

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1251**  
**96TH GENERAL ASSEMBLY**

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Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 14, 2012, with recommendation that the Senate Committee Substitute do pass.

5116S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 640.100, 643.225, 644.016, 644.026, 644.051, 644.145, and 650.230, RSMo, and to enact in lieu thereof thirty-six new sections relating to natural resources, with existing penalty provisions and an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.255, 260.330, 260.392, 292.606, 301.010, 304.120, 414.530, 414.560, 414.570, 577.073, 640.100, 643.225, 644.016, 644.026, 644.051, 644.145, and 650.230, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 29.380, 59.319, 60.510, 60.530, 60.540, 60.560, 60.570, 60.580, 60.595, 60.610, 60.620, 67.4505, 259.010, 259.020, 259.030, 259.040, 259.070, 260.330, 260.373, 260.392, 292.606, 301.010, 304.033, 304.120, 414.530, 414.560, 414.570, 537.293, 577.073, 640.100, 643.225, 644.016, 644.026, 644.051, 644.145, and 650.230, to read as follows:

**29.380. 1. The state auditor shall have the authority to audit solid waste management districts created under section 260.305 in the same manner as the auditor may audit any agency of the state.**

**2. Beginning August 28, 2012, the state auditor shall conduct an audit of each solid waste management district created under section**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

6 **260.305 and thereafter shall conduct audits of each solid waste**  
7 **management district created under section 260.305 as he or she deems**  
8 **necessary.**

59.319. 1. A user fee of four dollars shall be charged and collected by  
2 every recorder in this state, over and above any other fees required by law, as a  
3 condition precedent to the recording of any instrument. The state portion of the  
4 fee shall be forwarded monthly by each recorder of deeds to the state director of  
5 revenue, and the fees so forwarded shall be deposited by the director in the state  
6 treasury. Two dollars of such fee shall be retained by the recorder and deposited  
7 in a recorder's fund and not in county general revenue for record storage,  
8 microfilming, and preservation, including anything necessarily pertaining  
9 thereto. The recorder's funds shall be kept in a special fund by the treasurer and  
10 shall be budgeted and expended at the direction of the recorder and shall not be  
11 used to substitute for or subsidize any allocation of general revenue for the  
12 operation of the recorder's office without the express consent of the recorder. The  
13 recorder's fund may be audited by the appropriate auditing agency, and any  
14 unexpended balance shall be left in the fund to accumulate from year to year with  
15 interest.

16 2. An additional fee of three dollars shall be charged and collected by  
17 every recorder in this state, over and above any other fees required by law, as a  
18 condition precedent to the recording of any instruments specified in subdivisions  
19 (1) and (2) of section 59.330. The fees collected from this additional three dollars  
20 per recorded instrument shall be forwarded monthly by each recorder of deeds to  
21 the state director of revenue, and the fees so forwarded shall be deposited by the  
22 director in the state treasury.

23 3. The state treasurer and the commissioner of administration shall  
24 establish an appropriate account within the state treasury and in accordance with  
25 the state's accounting methods. Any receipt required by this section to be  
26 deposited in the [general revenue fund] **state treasury** shall be credited as  
27 follows:

28 **(1) The amount of one dollar for each fee collected under subsection 1 of**  
29 **this section [to an account to be utilized for the purposes of sections 60.500 to**  
30 **60.610] shall be paid to the state treasurer and credited to the "Missouri**  
31 **Land Survey Fund" which is hereby created to be utilized for the**  
32 **purposes of sections 60.510 to 60.620 and section 60.670. The state**  
33 **treasurer shall be custodian of the fund and may approve**

34 disbursements from the fund in accordance with sections 30.170 and  
35 30.180. The state and the department of natural resources shall use no  
36 more than ten percent of all moneys collected under this subdivision to  
37 pay for state and department administrative cost allocation. Any funds  
38 previously collected by the state treasurer to be utilized for the  
39 purposes of sections 60.510 to 60.620 and section 60.670 shall transfer  
40 to the Missouri land survey fund. Any portion of the fund not  
41 immediately needed for the purposes authorized shall be invested by  
42 the state treasurer as provided by the constitution and laws of this  
43 state. All income, interest, and moneys earned from such investments  
44 shall be deposited in the Missouri land survey fund. Any unexpended  
45 balance in the fund at the end of the fiscal year is exempt from the  
46 provisions of section 33.080 relating to the transfer of unexpended  
47 balances to the general revenue fund;

48 (2) The amount of one dollar for each fee collected under subsection 1 of  
49 this section to an account to be utilized by the secretary of state for additional  
50 preservation of local records; and

51 (3) The amount of three dollars collected under subsection 2 of this  
52 section into the Missouri housing trust fund as designated in section 215.034.

60.510. The functions, duties and responsibilities of the department of  
2 natural resources shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section  
4 corners, and quarter section corners established by the United States public land  
5 survey within Missouri, together with all pertinent field notes, plats and  
6 documents; and also to restore, establish, maintain, and preserve **Missouri state**  
7 **and county boundary markers** and other boundary markers considered by  
8 the department of natural resources to be of importance, or otherwise established  
9 by law;

10 (2) To design and cause to be placed at established public land survey  
11 corner sites, where practical, substantial monuments permanently indicating,  
12 with words and figures, the exact location involved, but if such monuments  
13 cannot be placed at the exact corner point, then witness corners of similar design  
14 shall be placed as near by as possible, with words and figures indicating the  
15 bearing and distance to the true corner;

16 (3) To establish, maintain, and provide safe storage facilities for a  
17 comprehensive system of recordation of information respecting all monuments

18 established by the United States public land survey within this state, and such  
19 records as may be pertinent to the department of natural resources'  
20 establishment or maintenance of other land corners, Missouri state coordinate  
21 system stations and accessories, and **survey** monuments in general;

22 (4) To [extend throughout this state a triangulation and leveling net of  
23 precision, whereby] **provide the framework for all geodetic positioning**  
24 **activities in the state. The foundational elements include latitude,**  
25 **longitude, and elevation which contribute to informed decision making**  
26 **and impact on a wide range of important activities including mapping**  
27 **and geographic information systems, flood risk determination,**  
28 **transportation, land use and ecosystem management and use of the**  
29 Missouri state coordinate system, as established by [section 60.400, may be made  
30 to cover to the necessary extent those areas of the state which do not now have  
31 enough geodetic control stations to permit the general use of the system by land  
32 surveyors and others] **sections 60.401 to 60.491;**

33 (5) To collect and preserve information obtained from surveys made by  
34 those authorized to establish land monuments or land boundaries, and to assist  
35 in the proper recording of the same by the duly constituted county officials, or  
36 otherwise;

37 (6) To furnish, upon reasonable request and tender of the required fees  
38 therefor, certified copies of records created or maintained by the department of  
39 natural resources which, when certified by the state land surveyor or a  
40 designated assistant, shall be admissible in evidence in any court in this state,  
41 as the original record;

42 (7) To prescribe, and disseminate to those engaged in the business of land  
43 surveying, [advisory] regulations designed to assist in uniform and professional  
44 surveying methods and standards in this state[; and

45 (8) To select and appoint a state land surveyor, who shall be the chief  
46 administrative officer of the authority, and who shall hold office at the pleasure  
47 of the authority].

60.530. The state land surveyor shall, under guidance of the department  
2 of natural resources **and with the recommendation of the land survey**  
3 **commission**, carry out the routine functions and duties of the department of  
4 natural resources, as prescribed in sections [60.500 to 60.610] **60.510 to 60.620**  
5 **and section 60.670.** He or she shall, whenever practical, cause all land  
6 surveys, except geodetic surveys, to be executed, under his or her direction by

7 the registered county surveyor or a local registered land surveyor when no  
8 registered county surveyor exists. He **or she** shall perform such other work and  
9 acts as shall, in the judgment of the department of natural resources **and with**  
10 **the recommendation of the land survey commission**, be necessary and  
11 proper to carry out the objectives of sections [60.500 to 60.610] **60.510 to 60.620**  
12 **and section 60.670** and, within the limits of appropriations made therefor and  
13 subject to the approval of the department of natural resources **and the state**  
14 **merit system**, employ and fix the compensation of such additional employees as  
15 may be necessary to carry out the provisions of sections [60.500 to 60.610] **60.510**  
16 **to 60.620 and section 60.670.**

60.540. The department of natural resources may acquire, in the name of  
2 the state of Missouri, lands or interests therein, where necessary, to establish  
3 permanent control stations; and may lease or purchase or acquire by negotiation  
4 or condemnation, where necessary, land for the establishment of an office of **the**  
5 **land survey program of** the department of natural resources. If condemnation  
6 is necessary, the attorney general shall bring the suit in the name of the state in  
7 the same manner as authorized by law for the acquisition of lands by the state  
8 transportation department.

60.560. Upon **their** request, the state attorney general shall advise the  
2 **land survey commission or the** department of natural resources or the state  
3 land surveyor with respect to any legal matter, and shall represent the **land**  
4 **survey commission or** department of natural resources in any proceeding in  
5 any court of the state in which the [authority] **land survey commission or**  
6 **land survey program** shall be a party.

60.570. The permanent headquarters of the [state land survey authority]  
2 **land survey program** shall be at or near to the principal office of the Missouri  
3 state geological survey. Until such time as other headquarters can be obtained  
4 by the [authority] **land survey program**, the state geologist shall assign such  
5 space in the state geological survey building as may be available. The [authority]  
6 **land survey program** may also establish and maintain regional offices in the  
7 metropolitan areas of the state for the storage and distribution of local survey  
8 record information.

60.580. The state land surveyor or any and all employees of the  
2 department of natural resources have the right to enter upon private property for  
3 the purpose of making surveys, or for searching for, locating, relocating, or  
4 remonumenting land monuments, leveling stations, or section corners. Should

5 any of these persons necessarily damage property of the owner in making the  
6 surveys or searches or remonumentations, the department of natural resources  
7 may make reasonable payment for the damage from funds available for that  
8 purpose. However, department of natural resources employees are personally  
9 liable for any damage caused by their wantonness, willfulness or negligence. All  
10 department of natural resources employees are immune from arrest for trespass  
11 in performing their legal duties as stated in sections [60.500 to 60.610] **60.510**  
12 **to 60.620 and section 60.670.**

60.595. 1. The "Department of Natural Resources Revolving Services  
2 Fund" is hereby created. All funds received by the department of natural  
3 resources from the delivery of services and the sale or resale of maps, plats,  
4 reports, studies, records and other publications and documents **and surveying**  
5 **information, on paper or in electronic format** by the department shall be  
6 credited to the fund. The director of the department shall administer the  
7 fund. The state treasurer is the custodian of the fund and shall approve  
8 disbursements from the fund requested by the director of the department. When  
9 appropriated, moneys in the fund shall be used to purchase goods [or],  
10 **equipment, hardware and software, maintenance and licenses, software**  
11 **and database development and maintenance, personal services, and**  
12 **other** services that will ultimately be used to **provide copies of information**  
13 **maintained or provided by the land survey program**, reprint maps,  
14 publications or other documents requested by governmental agencies or members  
15 of the general public; to publish the maps, publications or other documents or to  
16 purchase maps, publications or other documents for resale; and to pay shipping  
17 charges, laboratory services, core library fees, [workshops] workshop fees,  
18 [conferences] conference fees, interdivisional cooperative agreements, but for no  
19 other purpose.

20 2. An unencumbered balance in the fund at the end of the fiscal year not  
21 exceeding one million dollars is exempt from the provisions of section 33.080  
22 relating to the transfer of unexpended balances to the general revenue fund.

23 3. The department of natural resources shall report all income to and  
24 expenditures from such fund on a quarterly basis to the house budget committee  
25 and the senate appropriations committee.

60.610. Whenever the department of natural resources deems it expedient,  
2 and when funds appropriated permit, the department of natural resources may  
3 enter into any contract with agencies of the United States, with agencies of other

4 states, or with private persons, registered land surveyors or professional  
5 engineers, in order to plan and execute desired land surveys or geodetic surveys,  
6 or to plan and execute other projects which are within the scope and purpose of  
7 sections [60.500 to 60.610] **60.510 to 60.620 and section 60.670.**

60.620. 1. There is hereby created the "Land Survey [Advisory  
2 Committee] **Commission**", within the department of natural resources. The  
3 [committee] **commission** shall consist of [five] **seven** members appointed by the  
4 director of the department of natural resources. Members of the [committee]  
5 **commission** shall hold office for terms of three years, but of the original  
6 appointments, [two] **three** members shall serve for one year, two members shall  
7 serve for two years, and [one member] **two members** shall serve for three  
8 years. **Members may serve only three consecutive terms on the**  
9 **commission.**

10 2. The [advisory committee] **land survey commission** shall consist of  
11 persons who reside in this state and are not employed by the department of  
12 natural resources. [Three] **Four** members shall be registered land surveyors, one  
13 of which shall be a county surveyor. One member shall represent the real estate  
14 or land title industry. **Two members shall be public members.**

15 3. The [advisory committee] **land survey commission** shall elect a  
16 chairman annually. The [committee] **commission** shall meet semiannually and  
17 at other such times as called by the chairman of the [committee] **commission**  
18 and shall have a quorum when at least [three] **four** members are present.

19 4. The [advisory committee] **land survey commission** members shall  
20 serve without compensation but shall be reimbursed for actual and necessary  
21 expenses incurred in the performance of their official duties.

22 5. The [advisory committee] **land survey commission** shall provide the  
23 director of the department of natural resources [with advice and counsel on] **and**  
24 **the state land surveyor with recommendations on the operation and** the  
25 planning and prioritization of the **land survey** program and the design of  
26 regulations needed to carry out the functions, duties, and responsibilities of the  
27 department of natural resources **in sections 60.510 to 60.620 and section**  
28 **60.670.**

29 6. **The land survey commission shall recommend to the**  
30 **department of natural resources a person to be selected and appointed**  
31 **state land surveyor, who shall be the chief administrative officer of the**  
32 **land survey program, and who shall hold office at the pleasure of the**

33 **director of the department of natural resources. The state land**  
34 **surveyor shall be selected under the state merit system on the basis of**  
35 **professional experience and registration.**

36         7. The [committee] **commission** shall, at least annually, prepare a  
37 report, which shall be available to the general public, of the review by the  
38 [committee] **commission** of the land survey program, stating its findings,  
39 conclusions, and recommendations to the director.

67.4505. 1. There is hereby created within any county of the third  
2 classification with a township form of government and with more than seven  
3 thousand two hundred but fewer than seven thousand three hundred inhabitants,  
4 **and within any county of the second classification with more than**  
5 **seventy-five thousand but fewer than one hundred thousand**  
6 **inhabitants,** a county drinking water supply lake authority, which shall be a  
7 body corporate and politic and a political subdivision of this state.

8         2. The authority may exercise the powers provided to it under section  
9 67.4520 over the reservoir area encompassing any drinking water supply lake of  
10 one thousand five hundred acres or more, as measured at its conservation storage  
11 level, and within the lake's watershed.

12         3. It shall be the purpose of each authority to promote the general welfare  
13 and a safe drinking water supply through the construction, operation, and  
14 maintenance of a drinking water supply lake.

15         4. The income of the authority and all property at any time owned by the  
16 authority shall be exempt from all taxation or any assessments whatsoever to the  
17 state or of any political subdivision, municipality, or other governmental agency  
18 thereof.

19         5. No county in which an authority is organized shall be held liable in  
20 connection with the construction, operation, or maintenance of any project or  
21 program undertaken pursuant to sections 67.4500 to 67.4520, including any  
22 actions taken by the authority in connection with such project or program.

259.010. There shall be a "State Oil and Gas Council" composed of the  
2 following [state agencies and two other persons as provided in] **members in**  
3 **accordance with the provisions of** section 259.020:

4         (1) **One member from the** division of [geological survey and water  
5 resources] **geology and land survey;**

6         (2) **One member from the** division of commerce and industrial  
7 development;



- 8           (3) **One member from the** Missouri public service commission;  
9           (4) **One member from the** clean water commission;  
10          (5) **One member from the** University of Missouri **Petroleum**  
11 **Engineering Department;**  
12          (6) **One member from the Missouri Independent Oil and Gas**  
13 **Association; and**  
14          (7) **One member from the public.**

259.020. The member [agencies] **entities in section 259.010** shall be  
2 represented on the council by the executive head of [the agency] **each**  
3 **respective entity**, except that:

4           (1) The University of Missouri shall be represented by a professor of  
5 petroleum engineering employed at the University of Missouri;

6           (2) **The Missouri Independent Oil and Gas Association shall be**  
7 **represented by a designated member of the association; and**

8           (3) **The public member shall be appointed to the council by the**  
9 **governor, with the advice and consent of the senate, and shall be a**  
10 **resident of Missouri and shall have an interest in and knowledge of the**  
11 **oil and gas industry.**

12 The executive head of any member **state agency, the professor of petroleum**  
13 **engineering at the University of Missouri and the member from the**  
14 **Missouri Independent Oil and Gas Association** may from time to time  
15 authorize any member of the **state agency's staff, another professor of**  
16 **petroleum engineering at the University of Missouri or another member**  
17 **of the Missouri Independent Oil and Gas Association, respectively, to**  
18 represent it on the council and to fully exercise any of the powers and duties of  
19 [an agency] **the member** representative. [Two other persons shall be appointed  
20 to the council by the governor, with the advice and consent of the senate, who are  
21 residents of Missouri and who shall have an interest in and knowledge of the oil  
22 and gas industry.]

259.030. 1. The council shall elect a chairman and vice chairman from the  
2 members of the council other than the representative of the division of [geological  
3 survey and water resources] **geology and land survey. A chairman and vice**  
4 **chairman** may serve more than [one] **a one-year term, if so elected by the**  
5 **members of the council.**

6           2. The state geologist shall act as administrator for the council and shall  
7 be responsible for enforcing the provisions of this chapter.

259.040. Representatives of the member **state** agencies shall not receive  
2 any additional compensation for their services as representatives on the council  
3 and all expenses of **the state** agency representatives shall be paid by their  
4 respective agency. [Members appointed because of their interest in and  
5 knowledge of the oil and gas industry] **The professor of petroleum**  
6 **engineering at the University of Missouri, the member from the**  
7 **Missouri Independent Oil and Gas Association and the public member**  
8 shall not receive any compensation for their services as **representatives on the**  
9 **council and all expenses of such representatives shall be paid by their**  
10 **respective entities.**

259.070. 1. The council has the duty of administering the provisions of  
2 this chapter. **The council shall meet at least once each calendar quarter**  
3 **of the year and upon the call of the chairperson.**

4       2. **The council shall conduct a biannual review of the statutes**  
5 **and rules and regulations under this chapter. Based on such review,**  
6 **the council, if necessary, shall recommend changes to the statutes**  
7 **under this chapter and shall amend rules and regulations accordingly.**

8       3. (1) **The council shall have the power and duty to form an**  
9 **advisory committee to the council for the purpose of reviewing the**  
10 **statutes and rules and regulations under subsection 2 of this**  
11 **section. The advisory committee shall make recommendations to the**  
12 **council when necessary to amend current statutes and rules and**  
13 **regulations under this chapter and shall review any proposed new or**  
14 **amended statute or regulation before such proposed statute or**  
15 **regulation is considered by the council.**

16       (2) **The advisory committee shall be made up of representatives**  
17 **from the division of geology and land survey, the oil and gas industry**  
18 **and any council member desiring to be on such advisory**  
19 **committee. The advisory committee shall meet prior to each calendar**  
20 **quarter meeting of the council, if necessary for the purposes set forth**  
21 **under this subsection, and present any recommendations to the council**  
22 **at such calendar quarter meeting. The council shall designate one of**  
23 **its members to serve as the chairperson of the advisory committee.**

24       4. The council has the duty and authority to make such investigations as  
25 it deems proper to determine whether waste exists or is imminent or whether  
26 other facts exist which justify action.

27       5. The council acting through the office of the state geologist has the

28 authority:

29 (1) To require:

30 (a) Identification of ownership of oil or gas wells, producing leases, tanks,  
31 plants, structures, and facilities for the refining or intrastate transportation of  
32 oil and gas;

33 (b) The making and filing of all mechanical well logs and the filing of  
34 directional surveys if taken, and the filing of reports on well location, drilling and  
35 production, and the filing free of charge of samples and core chips and of complete  
36 cores less tested sections, when requested in the office of the state geologist  
37 within six months after the completion or abandonment of the well;

38 (c) The drilling, casing, operation, and plugging of wells in such manner  
39 as to prevent the escape of oil or gas out of one stratum into another; the  
40 intrusion of water into oil or gas stratum; the pollution of fresh water supplies  
41 by oil, gas, or highly mineralized water; to prevent blowouts, cavings, seepages,  
42 and fires; and to prevent the escape of oil, gas, or water into workable coal or  
43 other mineral deposits;

44 (d) The furnishing of a reasonable bond with good and sufficient surety,  
45 conditioned upon the full compliance with the provisions of this chapter, and the  
46 rules and regulations of the council prescribed to govern the production of oil and  
47 gas on state and private lands within the state of Missouri; provided that, in lieu  
48 of a bond with a surety, an applicant may furnish to the council his own personal  
49 bond, on conditions as described in this paragraph , secured by a certificate of  
50 deposit or an irrevocable letter of credit in an amount equal to that of the  
51 required surety bond or secured by some other financial instrument on conditions  
52 as above described or as provided by council regulations;

53 (e) That the production from wells be separated into gaseous and liquid  
54 hydrocarbons, and that each be accurately measured by such means and upon  
55 such standards as may be prescribed by the council;

56 (f) The operation of wells with efficient gas-oil and water-oil ratios, and  
57 to fix these ratios;

58 (g) Certificates of clearance in connection with the transportation or  
59 delivery of any native and indigenous Missouri produced crude oil, gas, or any  
60 product;

61 (h) Metering or other measuring of any native and indigenous  
62 Missouri-produced crude oil, gas, or product in pipelines, gathering systems,  
63 barge terminals, loading racks, refineries, or other places; and

64 (i) That every person who produces, sells, purchases, acquires, stores,  
65 transports, refines, or processes native and indigenous Missouri-produced crude  
66 oil or gas in this state shall keep and maintain within this state complete and  
67 accurate records of the quantities thereof, which records shall be available for  
68 examination by the council or its agents at all reasonable times and that every  
69 such person file with the council such reports as it may prescribe with respect to  
70 such oil or gas or the products thereof;

71 (2) To regulate pursuant to rules adopted by the council:

72 (a) The drilling, producing, and plugging of wells, and all other operations  
73 for the production of oil or gas;

74 (b) The shooting and chemical treatment of wells;

75 (c) The spacing of wells;

76 (d) Operations to increase ultimate recovery such as cycling of gas, the  
77 maintenance of pressure, and the introduction of gas, water, or other substances  
78 into producing formations; and

79 (e) Disposal of highly mineralized water and oil field wastes;

80 (3) To limit and to allocate the production of oil and gas from any field,  
81 pool, or area;

82 (4) To classify wells as oil or gas wells for purposes material to the  
83 interpretation or enforcement of this chapter;

84 (5) To promulgate and to enforce rules, regulations, and orders to  
85 effectuate the purposes and the intent of this chapter;

86 (6) To make rules, regulations, or orders for the classification of wells as  
87 oil wells or dry natural gas wells; or wells drilled, or to be drilled, for geological  
88 information; or as wells for secondary recovery projects; or wells for the disposal  
89 of highly mineralized water, brine, or other oil field wastes; or wells for the  
90 storage of dry natural gas, or casinghead gas; or wells for the development of  
91 reservoirs for the storage of liquid petroleum gas;

92 (7) To detail such personnel and equipment or enter into such contracts  
93 as it may deem necessary for carrying out the plugging of or other remedial  
94 measures on wells which have been abandoned and not plugged according to the  
95 standards for plugging set out in the rules and regulations promulgated by the  
96 council pursuant to this chapter. Members of the council or authorized  
97 representatives may, with the consent of the owner or person in possession, enter  
98 any property for the purpose of investigating, plugging, or performing remedial  
99 measures on any well, or to supervise the investigation, plugging, or performance

100 of remedial measures on any well. A reasonable effort to contact the owner or the  
101 person in possession of the property to seek his permission shall be made before  
102 members of the council or authorized representatives enter the property for the  
103 purposes described in this paragraph. If the owner or person in possession of the  
104 property cannot be found or refuses entry or access to any member of the council  
105 or to any authorized representative presenting appropriate credentials, the  
106 council may request the attorney general to initiate in any court of competent  
107 jurisdiction an action for injunctive relief to restrain any interference with the  
108 exercise of powers and duties described in this subdivision. Any entry authorized  
109 under this subdivision shall be construed as an exercise of the police power for  
110 the protection of public health, safety and general welfare and shall not be  
111 construed as an act of condemnation of property nor of trespass  
112 thereon. Members of the council and authorized representatives shall not be  
113 liable for any damages necessarily resulting from the entry upon land for  
114 purposes of investigating, plugging, or performing remedial measures or the  
115 supervision of such activity. However, if growing crops are present, arrangements  
116 for timing of such remedial work may be agreed upon between the state and  
117 landowner in order to minimize damages;

118 (8) To develop such facts and make such investigations or inspections as  
119 are consistent with the purposes of this chapter. Members of the council or  
120 authorized representatives may, with the consent of the owner or person in  
121 possession, enter upon any property for the purposes of inspecting or  
122 investigating any condition which the council shall have probable cause to believe  
123 is subject to regulation under this chapter, the rules and regulations promulgated  
124 pursuant thereto or any permit issued by the council. If the owner or person in  
125 possession of the property refuses entry or access for purposes of the inspections  
126 or investigations described, the council or authorized representatives shall make  
127 application for a search warrant. Upon a showing of probable cause in writing  
128 and under oath, a suitable restricted search warrant shall be issued by any judge  
129 having jurisdiction for purposes of enabling inspections authorized under this  
130 subdivision. The results of any inspection or investigation pursuant to this  
131 subdivision shall be reduced to writing with a copy furnished to the owner, person  
132 in possession, or operator;

133 (9) To cooperate with landowners with respect to the conversion of wells  
134 drilled for oil and gas to alternative use as water wells as follows: The state  
135 geologist shall determine the feasibility of the conversion of a well drilled under

136 a permit for oil and gas for use as a water well and shall advise the landowner  
137 of modifications required for conversion of the well in a manner that is consistent  
138 with the requirements of this chapter. If such conversion is carried out, release  
139 of the operator from legal liability or other responsibility shall be required and  
140 the expense of the conversion shall be borne by the landowner.

141 [2.] 6. No rule or portion of a rule promulgated under the authority of  
142 this chapter shall become effective unless it has been promulgated pursuant to  
143 the provisions of section 536.024.

260.330. 1. Except as otherwise provided in subsection 6 of this section,  
2 effective October 1, 1990, each operator of a solid waste sanitary landfill shall  
3 collect a charge equal to one dollar and fifty cents per ton or its volumetric  
4 equivalent of solid waste accepted and each operator of the solid waste demolition  
5 landfill shall collect a charge equal to one dollar per ton or its volumetric  
6 equivalent of solid waste accepted. Each operator shall submit the charge, less  
7 collection costs, to the department of natural resources for deposit in the "Solid  
8 Waste Management Fund" which is hereby created. On October 1, 1992, and  
9 thereafter, the charge imposed herein shall be adjusted annually by the same  
10 percentage as the increase in the general price level as measured by the  
11 Consumer Price Index for All Urban Consumers for the United States, or its  
12 successor index, as defined and officially recorded by the United States  
13 Department of Labor or its successor agency. No annual adjustment shall be  
14 made to the charge imposed under this subsection [during] **beyond** October 1,  
15 2005, [to October 1, 2014,] except an adjustment amount consistent with the need  
16 to fund the operating costs of the department and taking into account any annual  
17 percentage increase in the total of the volumetric equivalent of solid waste  
18 accepted in the prior year at solid waste sanitary landfills and demolition  
19 landfills and solid waste to be transported out of this state for disposal that is  
20 accepted at transfer stations. No annual increase [during] **beyond** October 1,  
21 2005, [to October 1, 2014,] shall exceed the percentage increase measured by the  
22 Consumer Price Index for All Urban Consumers for the United States, or its  
23 successor index, as defined and officially recorded by the United States  
24 Department of Labor or its successor agency and calculated on the percentage of  
25 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any  
26 such annual adjustment shall only be made at the discretion of the director,  
27 subject to appropriations. Collection costs shall be established by the department  
28 and shall not exceed two percent of the amount collected pursuant to this section.

29           2. The department shall, by rule and regulation, provide for the method  
30 and manner of collection.

31           3. The charges established in this section shall be enumerated separately  
32 from the disposal fee charged by the landfill and may be passed through to  
33 persons who generated the solid waste. Moneys shall be transmitted to the  
34 department shall be no less than the amount collected less collection costs and  
35 in a form, manner and frequency as the department shall prescribe. The  
36 provisions of section 33.080 to the contrary notwithstanding, moneys in the  
37 account shall not lapse to general revenue at the end of each biennium. Failure  
38 to collect the charge does not relieve the operator from responsibility for  
39 transmitting an amount equal to the charge to the department.

40           4. The department may examine or audit financial records and landfill  
41 activity records and measure landfill usage to verify the collection and  
42 transmittal of the charges established in this section. The department may  
43 promulgate by rule and regulation procedures to ensure and to verify that the  
44 charges imposed herein are properly collected and transmitted to the department.

45           5. Effective October 1, 1990, any person who operates a transfer station  
46 in Missouri shall transmit a fee to the department for deposit in the solid waste  
47 management fund which is equal to one dollar and fifty cents per ton or its  
48 volumetric equivalent of solid waste accepted. Such fee shall be applicable to all  
49 solid waste to be transported out of the state for disposal. On October 1, 1992,  
50 and thereafter, the charge imposed herein shall be adjusted annually by the same  
51 percentage as the increase in the general price level as measured by the  
52 Consumer Price Index for All Urban Consumers for the United States, or its  
53 successor index, as defined and officially recorded by the United States  
54 Department of Labor or its successor agency. No annual adjustment shall be  
55 made to the charge imposed under this subsection **during** **beyond** October 1,  
56 2005, **[to October 1, 2014,]** except an adjustment amount consistent with the need  
57 to fund the operating costs of the department and taking into account any annual  
58 percentage increase in the total of the volumetric equivalent of solid waste  
59 accepted in the prior year at solid waste sanitary landfills and demolition  
60 landfills and solid waste to be transported out of this state for disposal that is  
61 accepted at transfer stations. No annual increase **during** **beyond** October 1,  
62 2005, **[to October 1, 2014,]** shall exceed the percentage increase measured by the  
63 Consumer Price Index for All Urban Consumers for the United States, or its  
64 successor index, as defined and officially recorded by the United States

65 Department of Labor or its successor agency and calculated on the percentage of  
66 revenues dedicated under subdivision (1) of subsection 2 of section 260.335. Any  
67 such annual adjustment shall only be made at the discretion of the director,  
68 subject to appropriations. The department shall prescribe rules and regulations  
69 governing the transmittal of fees and verification of waste volumes transported  
70 out of state from transfer stations. Collection costs shall also be established by  
71 the department and shall not exceed two percent of the amount collected  
72 pursuant to this subsection. A transfer station with the sole function of  
73 separating materials for recycling or resource recovery activities shall not be  
74 subject to the fee imposed in this subsection.

75         6. Each political subdivision which owns an operational solid waste  
76 disposal area may designate, pursuant to this section, up to two free disposal  
77 days during each calendar year. On any such free disposal day, the political  
78 subdivision shall allow residents of the political subdivision to dispose of any  
79 solid waste which may be lawfully disposed of at such solid waste disposal area  
80 free of any charge, and such waste shall not be subject to any state fee pursuant  
81 to this section. Notice of any free disposal day shall be posted at the solid waste  
82 disposal area site and in at least one newspaper of general circulation in the  
83 political subdivision no later than fourteen days prior to the free disposal day.

**260.373. 1. After August 28, 2012, the authority of the commission  
2 to promulgate rules under sections 260.350 to 260.391 and 260.393 to  
3 260.433 is subject to the following:**

4         **(1) The commission shall not promulgate rules that are stricter  
5 than or implement requirements prior to the requirements of Title 40,  
6 U.S. Code of Federal Regulations, Parts 260, 261, 262, 264, 265, 268, and  
7 270, as promulgated pursuant to Subtitle C of the Resource  
8 Conservation and Recovery Act, as amended;**

9         **(2) Notwithstanding the limitations of subdivision (1) of this  
10 subsection, where state statutes expressly prescribe standards or  
11 requirements that are stricter than or implement requirements prior  
12 to any federal requirements, or where state statutes allow the  
13 establishment or collection of fees, costs, or taxes, the commission may  
14 promulgate rules as necessary to implement such statutes;**

15         **(3) Notwithstanding the limitations of subdivision (1) of this  
16 subsection, the commission may retain, modify, or repeal any current  
17 rules pertaining to the following:**



18           (a) Thresholds for determining whether a hazardous waste  
19 generator is a large quantity generator, small quantity generator, or  
20 conditionally-exempt small quantity generator;

21           (b) Descriptions of applicable registration requirements;

22           (c) The reporting of hazardous waste activities to the  
23 department; provided, however, that the commission shall promulgate  
24 rules, effective beginning with the reporting period July 1, 2015 - June  
25 30, 2016, that allow for the submittal of reporting data in an electronic  
26 format on an annual basis by large quantity generators and treatment  
27 storage and disposal facilities; and

28           (d) Rules requiring hazardous waste generators to display  
29 hazard labels (e.g., Department of Transportation (DOT) labels) prior  
30 to shipping.

31           2. Nothing in this section shall be construed to repeal any other  
32 provision of law, and the commission and the department shall  
33 continue to have the authority to implement and enforce other statutes,  
34 and the rules promulgated pursuant to their authority.

35           3. No later than December 31, 2013, the department shall identify  
36 rules in Title 10, Missouri Code of State Regulations, Division 25,  
37 Chapters 3, 4, 5, 7, or 8 that are inconsistent with the provisions of  
38 subsection 1 of this section. The department shall thereafter file with  
39 the Missouri secretary of state any amendments necessary to ensure  
40 that such rules are not inconsistent with the provisions of subsection  
41 1 of this section. On December 31, 2015, any rule contained in Title 10,  
42 Missouri Code of State Regulations, Division 25, Chapters 3, 4, 5, 7, or  
43 8 that remains inconsistent with the provisions of subsection 1 above  
44 shall be null and void to the extent that it is inconsistent.

45           4. Nothing in this section shall be construed to effectuate a  
46 modification of any permit. Upon request, the department shall modify  
47 as appropriate any permit containing requirements no longer in effect  
48 due to this section.

49           5. The department is prohibited from selectively excluding any  
50 rule or portion of a rule promulgated by the commission from any  
51 authorization application package, or program revision, submitted to  
52 the U.S. Environmental Protection Agency under Title 40, U.S. Code of  
53 Federal Regulations, sections 271.5 or 271.21.

54           6. Any rule or portion of a rule, as that term is defined in section

55 **536.010, that is created under the authority delegated in this section**  
56 **shall become effective only if it complies with and is subject to all of**  
57 **the provisions of chapter 536 and, if applicable, section 536.028. This**  
58 **section and chapter 536 are non-severable and if any of the powers**  
59 **vested with the general assembly under chapter 536 to review, to delay**  
60 **the effective date, or to disapprove and annul a rule are subsequently**  
61 **held unconstitutional, then the grant of rulemaking authority and any**  
62 **rule proposed or adopted after August 28, 2012, shall be invalid and**  
63 **void.**

260.392. 1. As used in sections 260.392 to 260.399, the following terms  
2 mean:

3 (1) "Cask", all the components and systems associated with the container  
4 in which spent fuel, high-level radioactive waste, highway route controlled  
5 quantity, or transuranic radioactive waste are stored;

6 (2) "High-level radioactive waste", the highly radioactive material  
7 resulting from the reprocessing of spent nuclear fuel including liquid waste  
8 produced directly in reprocessing and any solid material derived from such liquid  
9 waste that contains fission products in sufficient concentrations, and other highly  
10 radioactive material that the United States Nuclear Regulatory Commission has  
11 determined to be high-level radioactive waste requiring permanent isolation;

12 (3) "Highway route controlled quantity", as defined in 49 CFR Part  
13 173.403, as amended, a quantity of radioactive material within a single  
14 package. Highway route controlled quantity shipments [of thirty miles or less  
15 within the state] are exempt from the provisions of this section;

16 (4) "Low-level radioactive waste", any radioactive waste not classified as  
17 high-level radioactive waste, transuranic radioactive waste, or spent nuclear fuel  
18 by the United States Nuclear Regulatory Commission, consistent with existing  
19 law. Shipment of all sealed sources meeting the definition of low-level radioactive  
20 waste, shipments of low-level radioactive waste that are within a radius of no  
21 more than fifty miles from the point of origin, and all naturally occurring  
22 radioactive material given written approval for landfill disposal by the Missouri  
23 department of natural resources under 10 CSR 80-3.010 are exempt from the  
24 provisions of this section. Any low-level radioactive waste that has a radioactive  
25 half-life equal to or less than one hundred twenty days is exempt from the  
26 provisions of this section;

27 (5) "Shipper", the generator, owner, or company contracting for

28 transportation by truck or rail of the spent fuel, high-level radioactive waste,  
29 highway route controlled quantity shipments, transuranic radioactive waste, or  
30 low-level radioactive waste;

31 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear  
32 reactor following irradiation, the constituent elements of which have not been  
33 separated by reprocessing;

34 (7) "State-funded institutions of higher education", any campus of any  
35 university within the state of Missouri that receives state funding and has a  
36 nuclear research reactor;

37 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as  
38 amended, as waste containing more than one hundred nanocuries of  
39 alpha-emitting transuranic isotopes with half-lives greater than twenty years, per  
40 gram of waste. For the purposes of this section, transuranic waste shall not  
41 include:

42 (a) High-level radioactive wastes;

43 (b) Any waste determined by the Environmental Protection Agency with  
44 the concurrence of the Environmental Protection Agency administrator that does  
45 not need the degree of isolation required by this section; or

46 (c) Any waste that the United States Nuclear Regulatory Commission has  
47 approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61,  
48 as amended.

49 2. Any shipper that ships high-level radioactive waste, transuranic  
50 radioactive waste, [highway route controlled quantity shipments,] spent nuclear  
51 fuel, or low-level radioactive waste through or within the state shall be subject  
52 to the fees established in this subsection, provided that no state-funded  
53 institution of higher education that ships nuclear waste shall pay any such  
54 fee. These higher education institutions shall reimburse the Missouri state  
55 highway patrol directly for all costs related to shipment escorts. The fees for all  
56 other shipments shall be:

57 (1) One thousand eight hundred dollars for each cask transported through  
58 or within the state by truck of high-level radioactive waste, transuranic  
59 radioactive waste[, or spent nuclear fuel [or highway route controlled quantity]  
60 shipments. All casks of high-level radioactive waste, transuranic radioactive  
61 waste[, or spent nuclear fuel[, or highway route controlled quantity] shipments  
62 transported by truck are subject to a surcharge of twenty-five dollars per mile for  
63 every mile over two hundred miles traveled within the state;

64           (2) One thousand three hundred dollars for the first cask and one hundred  
65   twenty-five dollars for each additional cask for each rail shipment through or  
66   within the state of high-level radioactive waste, transuranic radioactive waste,  
67   or spent nuclear fuel;

68           (3) One hundred twenty-five dollars for each truck or train transporting  
69   low-level radioactive waste through or within the state. The department of  
70   natural resources may accept an annual shipment fee as negotiated with a  
71   shipper or accept payment per shipment.

72           3. All revenue generated from the fees established in subsection 2 of this  
73   section shall be deposited into the environmental radiation monitoring fund  
74   established in section 260.750 and shall be used by the department of natural  
75   resources to achieve the following objectives and for purposes related to the  
76   shipment of high-level radioactive waste, transuranic radioactive waste, highway  
77   route controlled quantity shipments, spent nuclear fuel, or low-level radioactive  
78   waste, including, but not limited to:

79           (1) Inspections, escorts, and security for waste shipment and planning;

80           (2) Coordination of emergency response capability;

81           (3) Education and training of state, county, and local emergency  
82   responders;

83           (4) Purchase and maintenance of necessary equipment and supplies for  
84   state, county, and local emergency responders through grants or other funding  
85   mechanisms;

86           (5) Emergency responses to any transportation incident involving the  
87   high-level radioactive waste, transuranic radioactive waste, highway route  
88   controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste;

89           (6) Oversight of any environmental remediation necessary resulting from  
90   an incident involving a shipment of high-level radioactive waste, transuranic  
91   radioactive waste, highway route controlled quantity shipments, spent nuclear  
92   fuel, or low-level radioactive waste. Reimbursement for oversight of any such  
93   incident shall not reduce or eliminate the liability of any party responsible for the  
94   incident; such party may be liable for full reimbursement to the state or payment  
95   of any other costs associated with the cleanup of contamination related to a  
96   transportation incident;

97           (7) Administrative costs attributable to the state agencies which are  
98   incurred through their involvement as it relates to the shipment of high-level  
99   radioactive waste, transuranic radioactive waste, highway route controlled

100 quantity shipments, spent nuclear fuel, or low-level radioactive waste through or  
101 within the state.

102 4. Nothing in this section shall preclude any other state agency from  
103 receiving reimbursement from the department of natural resources and the  
104 environmental radiation monitoring fund for services rendered that achieve the  
105 objectives and comply with the provisions of this section.

106 5. Any unencumbered balance in the environmental radiation monitoring  
107 fund that exceeds three hundred thousand dollars in any given fiscal year shall  
108 be returned to shippers on a pro rata basis, based on the shipper's contribution  
109 into the environmental radiation monitoring fund for that fiscal year.

110 6. The department of natural resources, in coordination with the  
111 department of health and senior services and the department of public safety,  
112 may promulgate rules necessary to carry out the provisions of this section. Any  
113 rule or portion of a rule, as that term is defined in section 536.010, that is created  
114 under the authority delegated in this section shall become effective only if it  
115 complies with and is subject to all of the provisions of chapter 536 and, if  
116 applicable, section 536.028. This section and chapter 536 are nonseverable and  
117 if any of the powers vested with the general assembly pursuant to chapter 536 to  
118 review, to delay the effective date, or to disapprove and annul a rule are  
119 subsequently held unconstitutional, then the grant of rulemaking authority and  
120 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

121 7. All funds deposited in the environmental radiation monitoring fund  
122 through fees established in subsection 2 of this section shall be utilized, subject  
123 to appropriation by the general assembly, for the administration and enforcement  
124 of this section by the department of natural resources. All interest earned by the  
125 moneys in the fund shall accrue to the fund.

126 8. All fees shall be paid to the department of natural resources [prior to]  
127 **following** shipment.

128 9. (1) Notice of any shipment of high-level radioactive waste, transuranic  
129 radioactive waste, highway route controlled quantity shipments, or spent nuclear  
130 fuel through or within the state shall be provided by the shipper to the governor's  
131 designee for advanced notification, as described in 10 CFR Parts 71 and 73, as  
132 amended, prior to such shipment entering the state. Notice of any shipment of  
133 low-level radioactive waste through or within the state shall be provided by the  
134 shipper to the Missouri department of natural resources before such shipment  
135 enters the state.

136           **(2) All vehicles and carriers transporting highway route**  
137 **controlled quantities of radioactive material are regulated by the**  
138 **United States Department of Transportation and required to pass the**  
139 **North American Standard Level VI Inspection for Transuranic Waste**  
140 **and Highway Route Controlled Quantities of Radioactive Material at**  
141 **the point of origin. If a highway route controlled quantity shipment of**  
142 **a material has been the subject of a point of origin level VI inspection**  
143 **and has passed the inspection, the shipment shall not otherwise be**  
144 **subject to an additional inspection unless such inspection is**  
145 **determined to be necessary at the discretion of state safety resources.**  
146 **If escort services are provided by state resources, the Missouri state**  
147 **highway patrol shall establish procedures and fees to provide for the**  
148 **reimbursement of escort services only. The fees may include an annual**  
149 **payment not exceeding two thousand dollars, and per trip fee of five**  
150 **hundred dollars. The procedures shall require the payment of the per**  
151 **trip fee only after the escort has been completed. All revenue**  
152 **generated from the fees established in this section shall be deposited**  
153 **into the environmental radiation monitoring fund established in**  
154 **section 260.750 and shall be used by the department of natural**  
155 **resources for purposes related to the shipment of radioactive materials.**

156           10. Any shipper who fails to pay a fee assessed under this section, or fails  
157 to provide notice of a shipment, shall be liable in a civil action for an amount not  
158 to exceed ten times the amount assessed and not paid. The action shall be  
159 brought by the attorney general at the request of the department of natural  
160 resources. If the action involves a facility domiciled in the state, the action shall  
161 be brought in the circuit court of the county in which the facility is located. If the  
162 action does not involve a facility domiciled in the state, the action shall be  
163 brought in the circuit court of Cole County.

164           11. Beginning on December 31, 2009, and every two years thereafter, the  
165 department of natural resources shall prepare and submit a report on activities  
166 of the environmental radiation monitoring fund to the general assembly. This  
167 report shall include information on fee income received and expenditures made  
168 by the state to enforce and administer the provisions of this section.

169           12. The provisions of this section shall not apply to high-level radioactive  
170 waste, transuranic radioactive waste, highway route controlled quantity  
171 shipments, spent nuclear fuel, or low-level radioactive waste shipped by or for the

172 federal government for military or national defense purposes.

173 13. Under section 23.253 of the Missouri sunset act:

174 (1) The provisions of the new program authorized under this section shall  
175 automatically sunset six years after August 28, 2009, unless reauthorized by an  
176 act of the general assembly; and

177 (2) If such program is reauthorized, the program authorized under this  
178 section shall automatically sunset twelve years after the effective date of the  
179 reauthorization of this section; and

180 (3) This section shall terminate on September first of the calendar year  
181 immediately following the calendar year in which the program authorized under  
182 this section is sunset.

292.606. 1. Fees shall be collected for a period of [twenty] **six** years from  
2 August 28, [1992] **2012**.

3 2. (1) Any employer required to report under subsection 1 of section  
4 292.605, except local governments and family-owned farm operations, shall  
5 submit an annual fee to the commission of one hundred dollars along with the  
6 Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of  
7 no more than fifty dollars for each such facility. Any person, firm or corporation  
8 selling, delivering or transporting petroleum or petroleum products and whose  
9 primary business deals with petroleum products or who is covered by the  
10 provisions of chapter 323, if such person, firm or corporation is paying fees under  
11 the provisions of the federal hazardous materials transportation registration and  
12 fee assessment program, shall deduct such federal fees from those fees owed to  
13 the state under the provisions of this subsection. If the federal fees exceed or are  
14 equal to what would otherwise be owed under this subsection, such employer  
15 shall not be liable for state fees under this subsection. In relation to petroleum  
16 products "primary business" shall mean that the person, firm or corporation shall  
17 earn more than fifty percent of hazardous chemical revenues from the sale,  
18 delivery or transport of petroleum products. For the purpose of calculating fees,  
19 all grades of gasoline are considered to be one product, all grades of heating oils,  
20 diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy  
21 distillate products except for grades of gasoline, are considered to be one product,  
22 and all varieties of motor lubricating oil are considered to be one product. For  
23 the purposes of this section "facility" shall mean all buildings, equipment,  
24 structures and other stationary items that are located on a single site or on  
25 contiguous or adjacent sites and which are owned or operated by the same person.

26 If more than three hazardous substances or mixtures are reported on the Tier II  
27 form, the employer shall submit an additional twenty-dollar fee for each  
28 hazardous substance or mixture. Fees collected under this subdivision shall be  
29 for each hazardous chemical on hand at any one time in excess of ten thousand  
30 pounds or for extremely hazardous substances on hand at any one time in excess  
31 of five hundred pounds or the threshold planning quantity, whichever is less, or  
32 for explosives or blasting agents on hand at any one time in excess of one  
33 hundred pounds. However, no employer shall pay more than ten thousand dollars  
34 per year in fees. [Except] Moneys acquired through litigation **and any**  
35 **administrative fees paid pursuant to subsection 3 of this section** shall  
36 not [apply to] **be applied toward** this cap;

37 (2) Employers engaged in transporting hazardous materials by pipeline  
38 except local gas distribution companies regulated by the Missouri Public Service  
39 Commission shall pay to the commission a fee of two hundred fifty dollars for  
40 each county in which they operate;

41 (3) Payment of fees is due each year by March first. A late fee of ten  
42 percent of the total owed, plus one percent per month of the total, may be  
43 assessed by the commission;

44 (4) If, on March first of each year, fees collected under this section and  
45 natural resources damages made available pursuant to section 640.235 exceed one  
46 million dollars, any excess over one million dollars shall be proportionately  
47 credited to fees payable in the succeeding year by each employer who was  
48 required to pay a fee and who did pay a fee in the year in which the excess  
49 occurred. The limit of one million dollars contained herein shall be reviewed by  
50 the commission concurrent with the review of fees as required in subsection 1 of  
51 this section.

52 **3. Beginning January 1, 2013, any employer filing its Tier II form**  
53 **pursuant to subsection 1 of section 292.605 may request that the**  
54 **commission distribute that employer's Tier II report to the local**  
55 **emergency planning committees and fire departments listed in its Tier**  
56 **II report. Any employer opting to have the commission distribute its**  
57 **Tier II report shall pay an additional fee of ten dollars for each facility**  
58 **listed in the report at the time of filing to recoup the commission's**  
59 **distribution costs. Fees shall be deposited in the chemical emergency**  
60 **preparedness fund established under section 292.607. An employer who**  
61 **pays the additional fee and whose Tier II report includes all local**



62 **emergency planning committees and fire departments required to be**  
63 **notified under subsection 1 of section 292.605 shall satisfy the reporting**  
64 **requirements of subsection 1 of section 292.605. The commission shall**  
65 **develop a mechanism for an employer to exercise its option to have the**  
66 **commission distribute its Tier II report.**

67       4. Local emergency planning committees receiving funds under section  
68 292.604 shall coordinate with the commission and the department in chemical  
69 emergency planning, training, preparedness, and response activities. Local  
70 emergency planning committees receiving funds under this section, section  
71 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall  
72 provide to the commission an annual report of expenditures and activities.

73       [4.] 5. Fees collected by the department and all funds provided to local  
74 emergency planning committees shall be used for chemical emergency  
75 preparedness purposes as outlined in sections 292.600 to 292.625 and the federal  
76 act, including contingency planning for chemical releases; exercising, evaluating,  
77 and distributing plans, providing training related to chemical emergency  
78 preparedness and prevention of chemical accidents; identifying facilities required  
79 to report; processing the information submitted by facilities and making it  
80 available to the public; receiving and handling emergency notifications of  
81 chemical releases; operating a local emergency planning committee; and providing  
82 public notice of chemical preparedness activities. Local emergency planning  
83 committees receiving funds under this section may combine such funds with other  
84 local emergency planning committees to further the purposes of sections 292.600  
85 to 292.625, or the federal act.

86       [5.] 6. The commission shall establish criteria and guidance on how funds  
87 received by local emergency planning committees may be used.

      301.010. As used in this chapter and sections 304.010 to 304.040, 304.120  
2 to 304.260, and sections 307.010 to 307.175, the following terms mean:

3       (1) "All-terrain vehicle", any motorized vehicle manufactured and used  
4 exclusively for off-highway use which is fifty inches or less in width, with an  
5 unladen dry weight of one thousand five hundred pounds or less, traveling on  
6 three, four or more nonhighway tires, with a seat designed to be straddled by the  
7 operator, or with a seat designed to carry more than one person, and handlebars  
8 for steering control;

9       (2) "Automobile transporter", any vehicle combination designed and used  
10 specifically for the transport of assembled motor vehicles;

11           (3) "Axle load", the total load transmitted to the road by all wheels whose  
12 centers are included between two parallel transverse vertical planes forty inches  
13 apart, extending across the full width of the vehicle;

14           (4) "Boat transporter", any vehicle combination designed and used  
15 specifically to transport assembled boats and boat hulls;

16           (5) "Body shop", a business that repairs physical damage on motor  
17 vehicles that are not owned by the shop or its officers or employees by mending,  
18 straightening, replacing body parts, or painting;

19           (6) "Bus", a motor vehicle primarily for the transportation of a driver and  
20 eight or more passengers but not including shuttle buses;

21           (7) "Commercial motor vehicle", a motor vehicle designed or regularly used  
22 for carrying freight and merchandise, or more than eight passengers but not  
23 including vanpools or shuttle buses;

24           (8) "Cotton trailer", a trailer designed and used exclusively for  
25 transporting cotton at speeds less than forty miles per hour from field to field or  
26 from field to market and return;

27           (9) "Dealer", any person, firm, corporation, association, agent or subagent  
28 engaged in the sale or exchange of new, used or reconstructed motor vehicles or  
29 trailers;

30           (10) "Director" or "director of revenue", the director of the department of  
31 revenue;

32           (11) "Driveaway operation":

33           (a) The movement of a motor vehicle or trailer by any person or motor  
34 carrier other than a dealer over any public highway, under its own power singly,  
35 or in a fixed combination of two or more vehicles, for the purpose of delivery for  
36 sale or for delivery either before or after sale;

37           (b) The movement of any vehicle or vehicles, not owned by the transporter,  
38 constituting the commodity being transported, by a person engaged in the  
39 business of furnishing drivers and operators for the purpose of transporting  
40 vehicles in transit from one place to another by the driveaway or towaway  
41 methods; or

42           (c) The movement of a motor vehicle by any person who is lawfully  
43 engaged in the business of transporting or delivering vehicles that are not the  
44 person's own and vehicles of a type otherwise required to be registered, by the  
45 driveaway or towaway methods, from a point of manufacture, assembly or  
46 distribution or from the owner of the vehicles to a dealer or sales agent of a

47 manufacturer or to any consignee designated by the shipper or consignor;

48 (12) "Dromedary", a box, deck, or plate mounted behind the cab and  
49 forward of the fifth wheel on the frame of the power unit of a truck  
50 tractor-semitrailer combination. A truck tractor equipped with a dromedary may  
51 carry part of a load when operating independently or in a combination with a  
52 semitrailer;

53 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

54 (14) "Fleet", any group of ten or more motor vehicles owned by the same  
55 owner;

56 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

57 (16) "Fullmount", a vehicle mounted completely on the frame of either the  
58 first or last vehicle in a saddlemount combination;

59 (17) "Gross weight", the weight of vehicle and/or vehicle combination  
60 without load, plus the weight of any load thereon;

61 (18) "Hail-damaged vehicle", any vehicle, the body of which has become  
62 dented as the result of the impact of hail;

63 (19) "Highway", any public thoroughfare for vehicles, including state  
64 roads, county roads and public streets, avenues, boulevards, parkways or alleys  
65 in any municipality;

66 (20) "Improved highway", a highway which has been paved with gravel,  
67 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall  
68 have a hard, smooth surface;

69 (21) "Intersecting highway", any highway which joins another, whether  
70 or not it crosses the same;

71 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon  
72 the highways and has no resale value except as a source of parts or scrap, and  
73 shall not be titled or registered;

74 (23) "Kit vehicle", a motor vehicle assembled by a person other than a  
75 generally recognized manufacturer of motor vehicles by the use of a glider kit or  
76 replica purchased from an authorized manufacturer and accompanied by a  
77 manufacturer's statement of origin;

78 (24) "Land improvement contractors' commercial motor vehicle", any  
79 not-for-hire commercial motor vehicle the operation of which is confined to:

80 (a) An area that extends not more than a radius of one hundred miles  
81 from its home base of operations when transporting its owner's machinery,  
82 equipment, or auxiliary supplies to or from projects involving soil and water

83 conservation, or to and from equipment dealers' maintenance facilities for  
84 maintenance purposes; or

85 (b) An area that extends not more than a radius of fifty miles from its  
86 home base of operations when transporting its owner's machinery, equipment, or  
87 auxiliary supplies to or from projects not involving soil and water  
88 conservation. Nothing in this subdivision shall be construed to prevent any motor  
89 vehicle from being registered as a commercial motor vehicle or local commercial  
90 motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose  
92 operations are confined solely to a municipality and that area extending not more  
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying  
94 operations are confined solely to the transportation of property owned by any  
95 person who is the owner or operator of such vehicle to or from a farm owned by  
96 such person or under the person's control by virtue of a landlord and tenant lease;  
97 provided that any such property transported to any such farm is for use in the  
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered  
100 pursuant to this chapter to operate as a motor vehicle on the public highways of  
101 this state, used exclusively in this state, used to transport harvested forest  
102 products, operated solely at a forested site and in an area extending not more  
103 than a one hundred-mile radius from such site, carries a load with dimensions not  
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when  
105 operated on the national system of interstate and defense highways described in  
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed  
107 the weight limits of section 304.180, does not have more than four axles, and does  
108 not pull a trailer which has more than two axles. Harvesting equipment which  
109 is used specifically for cutting, felling, trimming, delimbing, debarking, chipping,  
110 skidding, loading, unloading, and stacking may be transported on a local log  
111 truck. A local log truck may not exceed the limits required by law, however, if  
112 the truck does exceed such limits as determined by the inspecting officer, then  
113 notwithstanding any other provisions of law to the contrary, such truck shall be  
114 subject to the weight limits required by such sections as licensed for eighty  
115 thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is  
117 registered under this chapter to operate as a motor vehicle on the public  
118 highways of this state, used exclusively in this state, used to transport harvested

119 forest products, operated solely at a forested site and in an area extending not  
120 more than a one hundred-mile radius from such site, operates with a weight not  
121 exceeding twenty-two thousand four hundred pounds on one axle or with a weight  
122 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and  
123 when operated on the national system of interstate and defense highways  
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does  
125 not exceed the weight limits contained in section 304.180, and does not have more  
126 than three axles and does not pull a trailer which has more than two  
127 axles. Violations of axle weight limitations shall be subject to the load limit  
128 penalty as described for in sections 304.180 to 304.220;

129 (28) "Local transit bus", a bus whose operations are confined wholly  
130 within a municipal corporation, or wholly within a municipal corporation and a  
131 commercial zone, as defined in section 390.020, adjacent thereto, forming a part  
132 of a public transportation system within such municipal corporation and such  
133 municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck  
135 tractor and is used exclusively to transport harvested forest products to and from  
136 forested sites which is registered pursuant to this chapter to operate as a motor  
137 vehicle on the public highways of this state for the transportation of harvested  
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,  
140 front-end assembly, and front clip, as those terms are defined by the director of  
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged  
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels  
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other  
146 state that comes onto a salvage site and crushes motor vehicles and parts for  
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,  
149 which receives a new, rebuilt or used engine, and which used the number  
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively  
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a  
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor

155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having  
160 an automatic transmission and a motor with a cylinder capacity of not more than  
161 fifty cubic centimeters, which produces less than three gross brake horsepower,  
162 and is capable of propelling the device at a maximum speed of not more than  
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including  
165 a motorcycle while operated with any conveyance, temporary or otherwise,  
166 requiring the use of a third wheel. A motortricycle shall not be included in the  
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state  
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally  
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the  
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for  
176 the conditional sale or lease thereof with the right of purchase upon performance  
177 of the conditions stated in the agreement and with an immediate right of  
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor  
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or  
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,  
182 stored, repaired, reconstructed or repainted for persons other than the owners or  
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned  
185 by the rebuilder, but does not include certificated common or contract carriers of  
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its  
188 original construction by the addition or substitution of two or more new or used  
189 major component parts, excluding motor vehicles made from all new parts, and  
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed  
192 or substantially modified so that it may be used and is used for the purposes of  
193 temporary housing quarters, including therein sleeping and eating facilities  
194 which are either permanently attached to the motor vehicle or attached to a unit  
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any  
196 motor vehicle from being registered as a commercial motor vehicle if the motor  
197 vehicle could otherwise be so registered;

198 (48) "Recreational off-highway vehicle", any motorized vehicle  
199 manufactured and used exclusively for off-highway use which is [sixty] **sixty-**  
200 **four** inches or less in width, with an unladen dry weight of [one] **two** thousand  
201 [eight hundred fifty] pounds or less, traveling on four or more nonhighway tires,  
202 with a nonstraddle seat, and steering wheel, which may have access to ATV  
203 trails;

204 (49) "Rollback or car carrier", any vehicle specifically designed to  
205 transport wrecked, disabled or otherwise inoperable vehicles, when the  
206 transportation is directly connected to a wrecker or towing service;

207 (50) "Saddlemount combination", a combination of vehicles in which a  
208 truck or truck tractor tows one or more trucks or truck tractors, each connected  
209 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"  
210 is a mechanism that connects the front axle of the towed vehicle to the frame or  
211 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
212 connection. When two vehicles are towed in this manner the combination is  
213 called a "double saddlemount combination". When three vehicles are towed in  
214 this manner, the combination is called a "triple saddlemount combination";

215 (51) "Salvage dealer and dismantler", a business that dismantles used  
216 motor vehicles for the sale of the parts thereof, and buys and sells used motor  
217 vehicle parts and accessories;

218 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

219 (a) Was damaged during a year that is no more than six years after the  
220 manufacturer's model year designation for such vehicle to the extent that the  
221 total cost of repairs to rebuild or reconstruct the vehicle to its condition  
222 immediately before it was damaged for legal operation on the roads or highways  
223 exceeds eighty percent of the fair market value of the vehicle immediately  
224 preceding the time it was damaged;

225 (b) By reason of condition or circumstance, has been declared salvage,  
226 either by its owner, or by a person, firm, corporation, or other legal entity

227 exercising the right of security interest in it;

228 (c) Has been declared salvage by an insurance company as a result of  
229 settlement of a claim;

230 (d) Ownership of which is evidenced by a salvage title; or

231 (e) Is abandoned property which is titled pursuant to section 304.155 or  
232 section 304.157 and designated with the words "salvage/abandoned  
233 property". The total cost of repairs to rebuild or reconstruct the vehicle shall not  
234 include the cost of repairing, replacing, or reinstalling inflatable safety restraints,  
235 tires, sound systems, or damage as a result of hail, or any sales tax on parts or  
236 materials to rebuild or reconstruct the vehicle. For purposes of this definition,  
237 "fair market value" means the retail value of a motor vehicle as:

238 a. Set forth in a current edition of any nationally recognized compilation  
239 of retail values, including automated databases, or from publications commonly  
240 used by the automotive and insurance industries to establish the values of motor  
241 vehicles;

242 b. Determined pursuant to a market survey of comparable vehicles with  
243 regard to condition and equipment; and

244 c. Determined by an insurance company using any other procedure  
245 recognized by the insurance industry, including market surveys, that is applied  
246 by the company in a uniform manner;

247 (53) "School bus", any motor vehicle used solely to transport students to  
248 or from school or to transport students to or from any place for educational  
249 purposes;

250 (54) "Shuttle bus", a motor vehicle used or maintained by any person,  
251 firm, or corporation as an incidental service to transport patrons or customers of  
252 the regular business of such person, firm, or corporation to and from the place of  
253 business of the person, firm, or corporation providing the service at no fee or  
254 charge. Shuttle buses shall not be registered as buses or as commercial motor  
255 vehicles;

256 (55) "Special mobile equipment", every self-propelled vehicle not designed  
257 or used primarily for the transportation of persons or property and incidentally  
258 operated or moved over the highways, including farm equipment, implements of  
259 husbandry, road construction or maintenance machinery, ditch-digging apparatus,  
260 stone crushers, air compressors, power shovels, cranes, graders, rollers,  
261 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,  
262 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,



263 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag  
264 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This  
265 enumeration shall be deemed partial and shall not operate to exclude other such  
266 vehicles which are within the general terms of this section;

267 (56) "Specially constructed motor vehicle", a motor vehicle which shall not  
268 have been originally constructed under a distinctive name, make, model or type  
269 by a manufacturer of motor vehicles. The term specially constructed motor  
270 vehicle includes kit vehicles;

271 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the  
272 fifth wheel is located on a drop frame located behind and below the rearmost axle  
273 of the power unit;

274 (58) "Tandem axle", a group of two or more axles, arranged one behind  
275 another, the distance between the extremes of which is more than forty inches  
276 and not more than ninety-six inches apart;

277 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor  
278 vehicle designed for drawing other vehicles, but not for the carriage of any load  
279 when operating independently. When attached to a semitrailer, it supports a part  
280 of the weight thereof;

281 (60) "Trailer", any vehicle without motive power designed for carrying  
282 property or passengers on its own structure and for being drawn by a  
283 self-propelled vehicle, except those running exclusively on tracks, including a  
284 semitrailer or vehicle of the trailer type so designed and used in conjunction with  
285 a self-propelled vehicle that a considerable part of its own weight rests upon and  
286 is carried by the towing vehicle. The term "trailer" shall not include cotton  
287 trailers as defined in subdivision (8) of this section and shall not include  
288 manufactured homes as defined in section 700.010;

289 (61) "Truck", a motor vehicle designed, used, or maintained for the  
290 transportation of property;

291 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in  
292 which the two trailing units are connected with a B-train assembly which is a  
293 rigid frame extension attached to the rear frame of a first semitrailer which  
294 allows for a fifth-wheel connection point for the second semitrailer and has one  
295 less articulation point than the conventional A-dolly connected truck-tractor  
296 semitrailer-trailer combination;

297 (63) "Truck-trailer boat transporter combination", a boat transporter  
298 combination consisting of a straight truck towing a trailer using typically a ball

299 and socket connection with the trailer axle located substantially at the trailer  
300 center of gravity rather than the rear of the trailer but so as to maintain a  
301 downward force on the trailer tongue;

302 (64) "Used parts dealer", a business that buys and sells used motor vehicle  
303 parts or accessories, but not including a business that sells only new,  
304 remanufactured or rebuilt parts. "Business" does not include isolated sales at a  
305 swap meet of less than three days;

306 (65) "Utility vehicle", any motorized vehicle manufactured and used  
307 exclusively for off-highway use which is sixty-three inches or less in width, with  
308 an unladen dry weight of one thousand eight hundred fifty pounds or less,  
309 traveling on four or six wheels, to be used primarily for landscaping, lawn care,  
310 or maintenance purposes;

311 (66) "Vanpool", any van or other motor vehicle used or maintained by any  
312 person, group, firm, corporation, association, city, county or state agency, or any  
313 member thereof, for the transportation of not less than eight nor more than  
314 forty-eight employees, per motor vehicle, to and from their place of employment;  
315 however, a vanpool shall not be included in the definition of the term bus or  
316 commercial motor vehicle as defined by subdivisions (6) and (7) of this section,  
317 nor shall a vanpool driver be deemed a chauffeur as that term is defined by  
318 section 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements,  
319 recreational, personal, or maintenance uses constitute an unlicensed use of the  
320 motor vehicle, unless used for monetary profit other than for use in a ride-sharing  
321 arrangement;

322 (67) "Vehicle", any mechanical device on wheels, designed primarily for  
323 use, or used, on highways, except motorized bicycles, vehicles propelled or drawn  
324 by horses or human power, or vehicles used exclusively on fixed rails or tracks,  
325 or cotton trailers or motorized wheelchairs operated by handicapped persons;

326 (68) "Wrecker" or "tow truck", any emergency commercial vehicle  
327 equipped, designed and used to assist or render aid and transport or tow disabled  
328 or wrecked vehicles from a highway, road, street or highway rights-of-way to a  
329 point of storage or repair, including towing a replacement vehicle to replace a  
330 disabled or wrecked vehicle;

331 (69) "Wrecker or towing service", the act of transporting, towing or  
332 recovering with a wrecker, tow truck, rollback or car carrier any vehicle not  
333 owned by the operator of the wrecker, tow truck, rollback or car carrier for which  
334 the operator directly or indirectly receives compensation or other personal gain.

304.033. 1. No person shall operate a recreational off-highway vehicle, as defined in section 301.010, upon the highways of this state, except as follows:

(1) Recreational off-highway vehicles owned and operated by a governmental entity for official use;

(2) Recreational off-highway vehicles operated for agricultural purposes or industrial on-premises purposes;

(3) Recreational off-highway vehicles operated within three miles of the operator's primary residence. The provisions of this subdivision shall not authorize the operation of a recreational off-highway vehicle in a municipality unless such operation is authorized by such municipality as provided for in subdivision (5) of this subsection;

(4) Recreational off-highway vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads;

(5) Governing bodies of cities may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;

(6) Governing bodies of counties may issue special permits to licensed drivers for special uses of recreational off-highway vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate a recreational off-highway vehicle within any stream or river in this state, except that recreational off-highway vehicles may be operated within waterways which flow within the boundaries of land which a recreational off-highway vehicle operator owns, or for agricultural purposes within the boundaries of land which a recreational off-highway vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating a recreational off-highway vehicle on a

38 **highway pursuant to an exception covered in this section shall have a**  
39 **valid operator's or chauffeur's license, except that a handicapped**  
40 **person operating such vehicle pursuant to subdivision (4) of subsection**  
41 **1 of this section, but shall not be required to have passed an**  
42 **examination for the operation of a motorcycle. An individual shall not**  
43 **operate a recreational off-highway vehicle upon a highway in this state**  
44 **without displaying a lighted headlamp and a lighted tail lamp. A**  
45 **person may not operate a recreational off-highway vehicle upon a**  
46 **highway of this state unless such person wears a seat belt. When**  
47 **operated on a highway, a recreational off-highway vehicle shall be**  
48 **equipped with a roll bar or roll cage construction to reduce the risk of**  
49 **injury to an occupant of the vehicle in case of the vehicle's rollover.**

304.120. 1. Municipalities, by ordinance, may establish reasonable speed  
2 regulations for motor vehicles within the limits of such municipalities. No person  
3 who is not a resident of such municipality and who has not been within the limits  
4 thereof for a continuous period of more than forty-eight hours, shall be convicted  
5 of a violation of such ordinances, unless it is shown by competent evidence that  
6 there was posted at the place where the boundary of such municipality joins or  
7 crosses any highway a sign displaying in black letters not less than four inches  
8 high and one inch wide on a white background the speed fixed by such  
9 municipality so that such sign may be clearly seen by operators and drivers from  
10 their vehicles upon entering such municipality.

11 2. Municipalities, by ordinance, may:

12 (1) Make additional rules of the road or traffic regulations to meet their  
13 needs and traffic conditions;

14 (2) Establish one-way streets and provide for the regulation of vehicles  
15 thereon;

16 (3) Require vehicles to stop before crossing certain designated streets and  
17 boulevards;

18 (4) Limit the use of certain designated streets and boulevards to  
19 passenger vehicles, **except that each municipality shall allow at least one**  
20 **route, with lawful traffic movement and access from both directions, to**  
21 **be available for use by commercial vehicles to access any roads in the**  
22 **state highway system. Under no circumstances shall the provisions of**  
23 **this subdivision be construed to authorize a municipality to limit the**  
24 **use of all routes in the municipality;**

25 (5) Prohibit the use of certain designated streets to vehicles with metal  
26 tires, or solid rubber tires;

27 (6) Regulate the parking of vehicles on streets by the installation of  
28 parking meters for limiting the time of parking and exacting a fee therefor or by  
29 the adoption of any other regulatory method that is reasonable and practical, and  
30 prohibit or control left-hand turns of vehicles;

31 (7) Require the use of signaling devices on all motor vehicles; and

32 (8) Prohibit sound producing warning devices, except horns directed  
33 forward.

34 3. No ordinance shall be valid which contains provisions contrary to or in  
35 conflict with this chapter, except as herein provided.

36 4. No ordinance shall impose liability on the owner-lessor of a motor  
37 vehicle when the vehicle is being permissively used by a lessee and is illegally  
38 parked or operated if the registered owner-lessor of such vehicle furnishes the  
39 name, address and operator's license number of the person renting or leasing the  
40 vehicle at the time the violation occurred to the proper municipal authority  
41 within three working days from the time of receipt of written request for such  
42 information. Any registered owner-lessor who fails or refuses to provide such  
43 information within the period required by this subsection shall be liable for the  
44 imposition of any fine established by municipal ordinance for the  
45 violation. Provided, however, if a leased motor vehicle is illegally parked due to  
46 a defect in such vehicle, which renders it inoperable, not caused by the fault or  
47 neglect of the lessee, then the lessor shall be liable on any violation for illegal  
48 parking of such vehicle.

49 **5. No ordinance shall deny the use of commercial vehicles on all**  
50 **routes within the municipality. For purposes of this section, the term**  
51 **"route" shall mean any state road, county road, or public street, avenue,**  
52 **boulevard, or parkway.**

414.530. 1. The director shall conduct a referendum as soon as possible  
2 among producers and Missouri retail marketers of propane to authorize the  
3 creation of the "Missouri Propane Education and Research Council" and the  
4 levying of an assessment on odorized propane. Upon approval of those persons  
5 representing two-thirds of the total gallonage of odorized propane voted in the  
6 retail marketer class and two-thirds of all propane voted in the producer class,  
7 meaning propane sold or produced in the previous calendar year or other  
8 representative period, the director shall issue an order establishing the council

9 and call for nominations to the council from qualified industry organizations. All  
10 persons voting in the referendum shall certify to the director the number of  
11 gallons represented by their vote.

12 2. [On the director's own initiative,] Upon petition of the council or of  
13 producers and marketers representing thirty-five percent of the gallons in each  
14 class, the director shall hold a referendum to determine whether the industry  
15 favors termination or suspension of the order. The termination or suspension  
16 shall not take effect unless it is approved by those persons representing more  
17 than one-half of the total gallonage of odorized propane in the marketer class and  
18 one-half of all propane in the producer class.

19 3. The director may require such reports or documentation as is necessary  
20 to document the referendum process [and the nomination process for members of  
21 the council] and shall protect the confidentiality of all such documentation  
22 provided by industry members. Information regarding propane produced or  
23 marketed by persons voting shall be a closed record.

414.560. 1. Upon issuance of an order by the director establishing the  
2 Missouri propane education and research council, the director shall select all  
3 members of the council from a list of nominees submitted by qualified industry  
4 organizations. **Subsequent appointments shall be selected by the council**  
5 **following a public nomination process.** Vacancies in unfinished terms of  
6 council members may be filled by the council[, subject to approval of the director].

7 2. In making nominations and appointments to the council, the qualified  
8 industry organizations [and the director] shall give due regard to selecting a  
9 council that is representative of the industry, and the geographic regions of the  
10 state.

11 3. The council shall consist of fifteen members, with nine members  
12 representing retail marketers of propane; three members representing  
13 wholesalers or resellers of propane; two members representing manufacturers and  
14 distributors of gas use equipment, wholesalers or resellers, or transporters; and  
15 one public member. Other than the public member, council members shall be  
16 full-time employees or owners of businesses in the industry.

17 4. Council members shall receive no compensation for their services, but  
18 shall be reimbursed for reasonable expenses incurred in the performance of their  
19 duties.

20 5. Council members shall serve terms of three years; except that of the  
21 initial members appointed, five shall be appointed for terms of one year, five shall

22 be appointed for terms of two years and five shall be appointed for terms of three  
23 years. Members may be appointed to a maximum of two consecutive full  
24 terms. Members filling unexpired terms will not have any partial term of service  
25 count against the two-term limitation. Former members of the council may be  
26 reappointed to the council if they have not been members for a period of one year.

27 6. The council shall select from among its members a chairman and other  
28 officers as necessary, establish committees and subcommittees of the council, and  
29 adopt rules and bylaws for the conduct of business. The council may establish  
30 advisory committees of persons other than council members.

31 7. The council may employ a president to serve as chief executive officer  
32 and such other employees as it deems necessary. The council may enter into  
33 contracts with, use facilities and equipment of, or employ personnel of a qualified  
34 industry organization in carrying out its responsibilities under sections 414.500  
35 to 414.590. It shall determine the compensation and duties of each, and protect  
36 the handling of council funds through fidelity bonds.

37 8. At **least thirty days prior to** the beginning of each fiscal period, the  
38 council shall prepare and submit [to the director] **for public comment** a budget  
39 plan including the probable costs of all programs, projects and contracts and a  
40 recommended rate of assessment sufficient to cover such costs. [The director  
41 shall approve or recommend changes to the budget after an opportunity for public  
42 comment.] **The council shall approve or modify the budget following the**  
43 **public comment period.**

44 9. The council shall develop programs and projects and enter into  
45 contracts or agreements for implementing the policy of sections 414.500 to  
46 414.590, including programs of research, development, education, and marketing,  
47 and for the payment of the costs thereof with funds collected pursuant to sections  
48 414.500 to 414.590. The council shall coordinate its activities with industry trade  
49 associations to provide efficient delivery of services and to avoid unnecessary  
50 duplication of activities.

51 10. The council shall keep minutes, books, **and** records that clearly reflect  
52 all of the acts and transactions of the council and regularly report such  
53 information to the director[, along with such other information as the director  
54 may require]. The books of the council shall be audited by a certified public  
55 accountant at least once each fiscal year and at such other times as the council  
56 may designate. Copies of such audit shall be provided to the director, all  
57 members of the council, all qualified industry organizations, and to other

58 members of the industry upon request. [The director shall receive notice of  
59 meetings and may require reports on the activities of the council, as well as  
60 reports on compliance, violations and complaints regarding the implementation  
61 of sections 414.500 to 414.590.]

62 11. From assessments collected, the council shall annually reimburse the  
63 director for costs incurred in holding the referendum establishing the council[,  
64 making appointments to the council,] and other expenses directly related to the  
65 council.

414.570. 1. The council shall set the initial assessment at no greater than  
2 one-tenth of one cent per gallon. Thereafter, annual assessments shall be  
3 sufficient to cover the costs of the plans and programs developed by the council  
4 and approved [by the director] **following public comment**. The assessment  
5 shall not be greater than one-half cent per gallon of odorized propane. The  
6 assessment may not be raised by more than one-tenth of one cent per gallon  
7 annually.

8 2. The owner of propane immediately prior to odorization in this state or  
9 the owner at the time of import into this state of odorized propane shall be  
10 responsible for the payment of the assessment on the volume of propane at the  
11 time of import or odorization, whichever is later. Assessments shall be remitted  
12 to the council on a monthly basis by the twenty-fifth of the month following the  
13 month of collection. Nonodorized propane shall not be subject to assessment until  
14 odorized.

15 3. The [director] **council** may [by regulation, with the concurrence of the  
16 council,] establish an alternative means [for the council] to collect the assessment  
17 if another means is found to be more efficient and effective. The [director]  
18 **council** may [by regulation] establish a late payment charge and rate of interest  
19 **not to exceed the legal rate for judgments** to be imposed on any person who  
20 fails to remit to the council any amount due under sections 414.500 to 414.590.

21 4. Pending disbursement pursuant to a program, plan or project, the  
22 council may invest funds collected through assessments and any other funds  
23 received by the council only in obligations of the United States or any agency  
24 thereof, in general obligations of any state or any political subdivision thereof, in  
25 any interest-bearing account or certificate of deposit of a bank that is a member  
26 of the Federal Reserve System, or in obligations fully guaranteed as to principal  
27 and interest by the United States.

28 [5. The National Propane Education and Research Council, in conjunction



29 with the United States Secretary of Energy may, by regulation, establish a  
30 program coordinating the operation of its council with the council established in  
31 section 414.530. This may include an assessment rebate, if adopted, of an amount  
32 up to twenty-five percent of the National Propane Education and Research  
33 Council assessment collected on Missouri distributed odorized propane as  
34 presented and described in section nine of the federal Propane Education and  
35 Research Act of 1992. Should the National Propane Education and Research  
36 Council, as part of the federal Propane Education and Research Act of 1992,  
37 establish such an assessment rebate on fees collected by such council, then all  
38 funds from such federal assessment rebate shall be the property of the Missouri  
39 council as established by section 414.530, and the use of such funds shall be  
40 determined by the Missouri council for the purposes as intended and presented  
41 in sections 414.500 to 414.590.]

**537.293. 1. Notwithstanding any other provision of law, the use  
2 of vehicles on a public street or highway in a manner which is legal  
3 under state and local law shall not constitute a public or private  
4 nuisance, and shall not be the basis of a civil action for public or  
5 private nuisance.**

**6 2. No individual or business entity shall be subject to any civil  
7 action in law or equity for a public or private nuisance on the basis of  
8 such individual or business entity legally using vehicles on a public  
9 street or highway. Any actions by a court in this state to enjoin the use  
10 of a public street or highway in violation of this section and any  
11 damages awarded or imposed by a court, or assessed by a jury, against  
12 an individual or business entity for public or private nuisance in  
13 violation of this section shall be null and void.**

**14 3. Notwithstanding any other provision of law, nothing in this  
15 section shall be construed to limit civil liability for compensatory  
16 damages arising from physical injury to another human being.**

**577.073. 1. It is unlawful for any person to throw waste paper, tin cans,  
2 bottles, rubbish of any kind, or contaminate in any manner, any spring, pool or  
3 stream within a state park, nor shall any person other than authorized personnel  
4 of the department of natural resources cut, prune, pick or deface or injure in any  
5 manner the flowers, trees, shrub or any other flora growing on the land or in the  
6 water of any state park.**

**7 2. [No person shall be permitted to offer or advertise merchandise or other**

8 goods for sale or hire, or to maintain any concession, or use any park facilities,  
9 buildings, trails, roads or other state park property for commercial use except by  
10 written permission or concession contract with the department of natural  
11 resources.

12 3.] No object of archaeological or historical value or interest within a state  
13 park may be removed, injured, disfigured, defaced or destroyed except by  
14 authorized personnel.

15 [4.] 3. Any person violating any of the provisions of this section shall be  
16 deemed guilty of a misdemeanor.

640.100. 1. The safe drinking water commission created in section  
2 640.105 shall promulgate rules necessary for the implementation, administration  
3 and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking  
4 Water Act as amended.

5 2. No standard, rule or regulation or any amendment or repeal thereof  
6 shall be adopted except after a public hearing to be held by the commission after  
7 at least thirty days' prior notice in the manner prescribed by the rulemaking  
8 provisions of chapter 536 and an opportunity given to the public to be heard; the  
9 commission may solicit the views, in writing, of persons who may be affected by,  
10 knowledgeable about, or interested in proposed rules and regulations, or  
11 standards. Any person heard or registered at the hearing, or making written  
12 request for notice, shall be given written notice of the action of the commission  
13 with respect to the subject thereof. Any rule or portion of a rule, as that term is  
14 defined in section 536.010, that is promulgated to administer and enforce sections  
15 640.100 to 640.140 shall become effective only if the agency has fully complied  
16 with all of the requirements of chapter 536, including but not limited to section  
17 536.028, if applicable, after June 9, 1998. All rulemaking authority delegated  
18 prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998,  
19 however, nothing in this section shall be interpreted to repeal or affect the  
20 validity of any rule adopted or promulgated prior to June 9, 1998. If the  
21 provisions of section 536.028 apply, the provisions of this section are nonseverable  
22 and if any of the powers vested with the general assembly pursuant to section  
23 536.028 to review, to delay the effective date, or to disapprove and annul a rule  
24 or portion of a rule are held unconstitutional or invalid, the purported grant of  
25 rulemaking authority and any rule so proposed and contained in the order of  
26 rulemaking shall be invalid and void, except that nothing in this chapter or  
27 chapter 644 shall affect the validity of any rule adopted and promulgated prior

28 to June 9, 1998.

29           3. The commission shall promulgate rules and regulations for the  
30 certification of public water system operators, backflow prevention assembly  
31 testers and laboratories conducting tests pursuant to sections 640.100 to  
32 640.140. Any person seeking to be a certified backflow prevention assembly  
33 tester shall satisfactorily complete standard, nationally recognized written and  
34 performance examinations designed to ensure that the person is competent to  
35 determine if the assembly is functioning within its design specifications. Any  
36 such state certification shall satisfy any need for local certification as a backflow  
37 prevention assembly tester. However, political subdivisions may set additional  
38 testing standards for individuals who are seeking to be certified as backflow  
39 prevention assembly testers. Notwithstanding any other provision of law to the  
40 contrary, agencies of the state or its political subdivisions shall only require  
41 carbonated beverage dispensers to conform to the backflow protection  
42 requirements established in the National Sanitation Foundation standard  
43 eighteen, and the dispensers shall be so listed by an independent testing  
44 laboratory. The commission shall promulgate rules and regulations for collection  
45 of samples and analysis of water furnished by municipalities, corporations,  
46 companies, state establishments, federal establishments or individuals to the  
47 public. The department of natural resources or the department of health and  
48 senior services shall, at the request of any supplier, make any analyses or tests  
49 required pursuant to the terms of section 192.320 and sections 640.100 to  
50 640.140. The department shall collect fees to cover the reasonable cost of  
51 laboratory services, both within the department of natural resources and the  
52 department of health and senior services, laboratory certification and program  
53 administration as required by sections 640.100 to 640.140. The laboratory  
54 services and program administration fees pursuant to this subsection shall not  
55 exceed two hundred dollars for a supplier supplying less than four thousand one  
56 hundred service connections, three hundred dollars for supplying less than seven  
57 thousand six hundred service connections, five hundred dollars for supplying  
58 seven thousand six hundred or more service connections, and five hundred dollars  
59 for testing surface water. Such fees shall be deposited in the safe drinking water  
60 fund as specified in section 640.110. The analysis of all drinking water required  
61 by section 192.320 and sections 640.100 to 640.140 shall be made by the  
62 department of natural resources laboratories, department of health and senior  
63 services laboratories or laboratories certified by the department of natural

64 resources.

65           4. The department of natural resources shall establish and maintain an  
66 inventory of public water supplies and conduct sanitary surveys of public water  
67 systems. Such records shall be available for public inspection during regular  
68 business hours.

69           5. (1) For the purpose of complying with federal requirements for  
70 maintaining the primacy of state enforcement of the federal Safe Drinking Water  
71 Act, the department is hereby directed to request appropriations from the general  
72 revenue fund and all other appropriate sources to fund the activities of the public  
73 drinking water program and in addition to the fees authorized pursuant to  
74 subsection 3 of this section, an annual fee for each customer service connection  
75 with a public water system is hereby authorized to be imposed upon all customers  
76 of public water systems in this state. The fees collected shall not exceed the  
77 amounts specified in this subsection and the commission may set the fees, by  
78 rule, in a lower amount by proportionally reducing all fees charged pursuant to  
79 this subsection from the specified maximum amounts. Reductions shall be  
80 roughly proportional but in each case shall be divisible by twelve. Each customer  
81 of a public water system shall pay an annual fee for each customer service  
82 connection.

83           (2) The annual fee per customer service connection for unmetered  
84 customers and customers with meters not greater than one inch in size shall be  
85 based upon the number of service connections in the water system serving that  
86 customer, and shall not exceed:

87     1 to 1,000 connections. . . . .	\$ 3.24
88     1,001 to 4,000 connections . . . . .	3.00
89     4,001 to 7,000 connections . . . . .	2.76
90     7,001 to 10,000 connections . . . . .	2.40
91     10,001 to 20,000 connections . . . . .	2.16
92     20,001 to 35,000 connections . . . . .	1.92
93     35,001 to 50,000 connections . . . . .	1.56
94     50,001 to 100,000 connections. . . . .	1.32
95     More than 100,000 connections. . . . .	.1.08.

96           (3) The annual user fee for customers having meters greater than one inch  
97 but less than or equal to two inches in size shall not exceed seven dollars and  
98 forty-four cents; for customers with meters greater than two inches but less than  
99 or equal to four inches in size shall not exceed forty-one dollars and sixteen cents;

100 and for customers with meters greater than four inches in size shall not exceed  
101 eighty-two dollars and forty-four cents.

102 (4) Customers served by multiple connections shall pay an annual user  
103 fee based on the above rates for each connection, except that no single facility  
104 served by multiple connections shall pay a total of more than five hundred dollars  
105 per year.

106 6. Fees imposed pursuant to subsection 5 of this section shall become  
107 effective on August 28, 2006, and shall be collected by the public water system  
108 serving the customer beginning September 1, 2006, and continuing until such  
109 time that the safe drinking water commission, at its discretion, specifies a lower  
110 amount under subdivision (1) of subsection 5 of this section. The commission  
111 shall promulgate rules and regulations on the procedures for billing, collection  
112 and delinquent payment. Fees collected by a public water system pursuant to  
113 subsection 5 of this section are state fees. The annual fee shall be enumerated  
114 separately from all other charges, and shall be collected in monthly, quarterly or  
115 annual increments. Such fees shall be transferred to the director of the  
116 department of revenue at frequencies not less than quarterly. Two percent of the  
117 revenue arising from the fees shall be retained by the public water system for the  
118 purpose of reimbursing its expenses for billing and collection of such fees.

119 7. Imposition and collection of the fees authorized in subsection 5 of this  
120 section shall be suspended on the first day of a calendar quarter if, during the  
121 preceding calendar quarter, the federally delegated authority granted to the safe  
122 drinking water program within the department of natural resources to administer  
123 the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not  
124 be reinstated until the first day of the calendar quarter following the quarter  
125 during which such delegated authority is reinstated.

126 8. Fees imposed pursuant to subsection 5 of this section shall expire on  
127 September 1, [2012] **2017**.

643.225. 1. The provisions of sections 643.225 to 643.250 shall apply to  
2 all projects subject to 40 CFR Part 61, Subpart M as adopted by 10 CSR  
3 10-6.080. The commission shall promulgate rules and regulations it deems  
4 necessary to implement and administer the provisions of sections 643.225 to  
5 643.250, including requirements, procedures and standards relating to asbestos  
6 projects, as well as the authority to require corrective measures to be taken in  
7 asbestos abatement, renovation, or demolition projects as are deemed necessary  
8 to protect public health and the environment. The director shall establish any

9 examinations for certification required by this section and shall hold such  
10 examinations at times and places as determined by the director.

11         2. Except as otherwise provided in sections 643.225 to 643.250, no  
12 individual shall engage in an asbestos abatement project, inspection, management  
13 plan, abatement project design or asbestos air sampling unless the person has  
14 been issued a certificate by the director, or by the commission after appeal, for  
15 that purpose.

16         3. In any application made to the director to obtain such certification as  
17 an inspector, management planner, abatement project designer, supervisor,  
18 contractor or worker from the department, the applicant shall include his diploma  
19 providing proof of successful completion of either a state accredited or United  
20 States Environmental Protection Agency (EPA) accredited training course as  
21 described in section 643.228. In addition, an applicant for certification as a  
22 management planner shall first be certified as an inspector. All applicants for  
23 certification as an inspector, management planner, abatement project designer,  
24 supervisor, contractor or worker shall successfully pass a state examination on  
25 Missouri state asbestos statutes and rules relating to asbestos. Certification  
26 issued hereunder shall expire one year from its effective date. Individuals  
27 applying for state certification as an asbestos air sampling professional shall have  
28 the following credentials:

29             (1) A bachelor of science degree in industrial hygiene plus one year of  
30 experience in the field; or

31             (2) A master of science degree in industrial hygiene; or

32             (3) Certification as an industrial hygienist as designated by the American  
33 Board of Industrial Hygiene; or

34             (4) Three years of practical experience in the field of industrial hygiene,  
35 including significant asbestos air monitoring experience and the completion of a  
36 forty-hour asbestos course which includes air monitoring instruction (National  
37 Institute of Occupational Safety and Health 582 course on air sampling or  
38 equivalent). In addition to these qualifications, the individual must also pass the  
39 state of Missouri asbestos examination. All asbestos air sampling technicians  
40 shall be trained and overseen by an asbestos air sampling professional and shall  
41 meet the requirements of training found in OSHA's 29 CFR  
42 1926.1101. Certification under this section as an abatement project designer does  
43 not qualify an individual as an architect, engineer or land surveyor, as defined  
44 in chapter 327.

45           4. An application fee of seventy-five dollars shall be assessed for each  
46 category, except asbestos abatement worker, to cover administrative costs  
47 incurred. An application fee of twenty-five dollars shall be assessed for each  
48 asbestos abatement worker to cover administrative costs incurred. A fee of  
49 twenty-five dollars shall be assessed per state examination.

50           5. In order to qualify for renewal of a certificate, an individual shall have  
51 successfully completed an annual refresher course from a state of Missouri  
52 accredited training program. For each discipline, the refresher course shall  
53 review and discuss current federal and state statute and rule developments,  
54 state-of-the-art procedures and key aspects of the initial training course, as  
55 determined by the state of Missouri. For all categories except inspectors,  
56 individuals shall complete a one-day annual refresher training course for  
57 recertification. Refresher courses for inspectors shall be at least a half-day in  
58 length. Management planners shall attend the inspector refresher course, plus  
59 an additional half-day on management planning. All refresher courses shall  
60 require an individual to successfully pass an examination upon completion of the  
61 course. In the case of significant changes in Missouri state asbestos statutes or  
62 rules, an individual shall also be required to take and successfully pass an  
63 updated Missouri state asbestos examination. An individual who has failed the  
64 Missouri state asbestos examination may retake it on the next scheduled  
65 examination date. If an individual has not successfully completed the annual  
66 refresher course within twelve months of the expiration of his or her certification,  
67 the individual shall be required to retake the course in his or her specialty area  
68 as described in this section. Failure to comply with the requirements for renewal  
69 of certification in this section will result in decertification. In no event shall  
70 certification or recertification constitute permission to violate sections 643.225 to  
71 643.250 or any standard or rule promulgated under sections 643.225 to 643.250.

72           6. A fee of five dollars shall be paid to the state for renewal of certificates  
73 to cover administrative costs.

74           **7. The provisions of subsections 2 to 6 of this section, section**  
75 **643.228, subdivision (4) of subsection 1 of section 643.230, sections**  
76 **643.232 and 643.235, subdivisions (1) to (3) of subsection 1 of section**  
77 **643.237, and subsection 2 of section 643.237 shall not apply to a person**  
78 **that is subject to requirements and applicable standards of the United**  
79 **States Environmental Protection Agency (EPA) and the United States**  
80 **Occupational Safety and Health Administration's (OSHA) 29 Code of**

81 Federal Regulations 1926.58 and which engages in asbestos abatement  
82 projects as part of normal operations in the facility solely at its own  
83 place or places of business. A person shall receive an exemption upon  
84 submitting to the director, on a form provided by the department,  
85 documentation of the training provided to its employees to meet the  
86 requirements of applicable OSHA and EPA rules and regulations and  
87 the type of asbestos abatement projects which constitute normal  
88 operations performed by the applicant. If the application does not  
89 meet the requirements of this subsection and the rules and regulations  
90 promulgated by the department, the applicant shall be notified, within  
91 one hundred eighty days of the receipt of the application, that the  
92 exemption has been denied. An applicant may appeal the denial of an  
93 exemption to the commission within thirty days of the notice of  
94 denial. This exemption shall not apply to asbestos abatement  
95 contractors, to those persons who the commission by rule determines  
96 provide a service to the public in its place or places of business as the  
97 economic foundation of the facility, or to those persons subject to the  
98 requirements of the federal Asbestos Hazard Emergency Response Act  
99 of 1986 (P.L. 99-519). A representative of the department shall be  
100 permitted to attend, monitor, and evaluate any training program  
101 provided by the exempted person. Such evaluations may be conducted  
102 without prior notice. Refusal to allow such an evaluation is sufficient  
103 grounds for loss of exemption status.

104 8. A fee of two hundred fifty dollars shall be submitted with the  
105 application for exemption under subsection 7 of this section. This shall  
106 be a one-time fee. An exempted person shall submit to the director  
107 changes in curricula or other significant revisions to its training  
108 program under this section as they occur.

109 9. All applications for exemption under this section that are  
110 received and approved by the department prior to August 28, 2012,  
111 shall be considered valid. An exempted person under this subsection  
112 shall not be subject to the fee under subsection 8 of this section but  
113 shall submit to the director changes in curricula or other significant  
114 revisions to its training program as they occur.

644.016. When used in sections 644.006 to 644.141 and in standards, rules  
2 and regulations promulgated pursuant to sections 644.006 to 644.141, the  
3 following words and phrases mean:



4 (1) "Aquaculture facility", a hatchery, fish farm, or other facility used for  
5 the production of aquatic animals that is required to have a permit pursuant to  
6 the federal Clean Water Act, as amended, 33 U.S.C. 1251, et seq.;

7 (2) "Commission", the clean water commission of the state of Missouri  
8 created in section 644.021;

9 (3) "Conference, conciliation and persuasion", a process of verbal or  
10 written communications consisting of meetings, reports, correspondence or  
11 telephone conferences between authorized representatives of the department and  
12 the alleged violator. The process shall, at a minimum, consist of one offer to meet  
13 with the alleged violator tendered by the department. During any such meeting,  
14 the department and the alleged violator shall negotiate in good faith to eliminate  
15 the alleged violation and shall attempt to agree upon a plan to achieve  
16 compliance;

17 (4) "Department", the department of natural resources;

18 (5) "Director", the director of the department of natural resources;

19 (6) "Discharge", the causing or permitting of one or more water  
20 contaminants to enter the waters of the state;

21 (7) "Effluent control regulations", limitations on the discharge of water  
22 contaminants;

23 (8) "General permit", a permit written with a standard group of conditions  
24 and with applicability intended for a designated category of water contaminant  
25 sources that have the same or similar operations, discharges and geographical  
26 locations, and that require the same or similar monitoring, and that would be  
27 more appropriately controlled pursuant to a general permit rather than pursuant  
28 to a site-specific permit;

29 (9) **"General permit template", a draft general permit that is being**  
30 **developed through a public participation process;**

31 (10) "Human sewage", human excreta and wastewater, including bath and  
32 toilet waste, residential laundry waste, residential kitchen waste, and other  
33 similar waste from household or establishment appurtenances;

34 [(10)] (11) "Income" includes retirement benefits, consultant fees, and  
35 stock dividends;

36 [(11)] (12) "Minor violation", a violation which possesses a small  
37 potential to harm the environment or human health or cause pollution, was not  
38 knowingly committed, and is not defined by the United States Environmental  
39 Protection Agency as other than minor;

40           [(12)] (13) "Permit by rule", a permit granted by rule, not by a paper  
41 certificate, and conditioned by the permit holder's compliance with commission  
42 rules;

43           [(13)] (14) "Permit holders or applicants for a permit" shall not include  
44 officials or employees who work full time for any department or agency of the  
45 state of Missouri;

46           [(14)] (15) "Person", any individual, partnership, copartnership, firm,  
47 company, public or private corporation, association, joint stock company, trust,  
48 estate, political subdivision, or any agency, board, department, or bureau of the  
49 state or federal government, or any other legal entity whatever which is  
50 recognized by law as the subject of rights and duties;

51           [(15)] (16) "Point source", any discernible, confined and discrete  
52 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,  
53 well, discrete fissure, container, rolling stock, concentrated animal feeding  
54 operation, or vessel or other floating craft, from which pollutants are or may be  
55 discharged. Point source does not include agricultural storm water discharges  
56 and return flows from irrigated agriculture;

57           [(16)] (17) "Pollution", such contamination or other alteration of the  
58 physical, chemical or biological properties of any waters of the state, including  
59 change in temperature, taste, color, turbidity, or odor of the waters, or such  
60 discharge of any liquid, gaseous, solid, radioactive, or other substance into any  
61 waters of the state as will or is reasonably certain to create a nuisance or render  
62 such waters harmful, detrimental or injurious to public health, safety or welfare,  
63 or to domestic, industrial, agricultural, recreational, or other legitimate beneficial  
64 uses, or to wild animals, birds, fish or other aquatic life;

65           [(17)] (18) "Pretreatment regulations", limitations on the introduction of  
66 pollutants or water contaminants into publicly owned treatment works or  
67 facilities which the commission determines are not susceptible to treatment by  
68 such works or facilities or which would interfere with their operation, except that  
69 wastes as determined compatible for treatment pursuant to any federal water  
70 pollution control act or guidelines shall be limited or treated pursuant to this  
71 chapter only as required by such act or guidelines;

72           [(18)] (19) "Residential housing development", any land which is divided  
73 or proposed to be divided into three or more lots, whether contiguous or not, for  
74 the purpose of sale or lease as part of a common promotional plan for residential  
75 housing;

76           [(19)] **(20)** "Sewer system", pipelines or conduits, pumping stations, and  
77 force mains, and all other structures, devices, appurtenances and facilities used  
78 for collecting or conducting wastes to an ultimate point for treatment or handling;

79           [(20)] **(21)** "Significant portion of his or her income" shall mean ten  
80 percent of gross personal income for a calendar year, except that it shall mean  
81 fifty percent of gross personal income for a calendar year if the recipient is over  
82 sixty years of age, and is receiving such portion pursuant to retirement, pension,  
83 or similar arrangement;

84           [(21)] **(22)** "Site-specific permit", a permit written for discharges emitted  
85 from a single water contaminant source and containing specific conditions,  
86 monitoring requirements and effluent limits to control such discharges;

87           [(22)] **(23)** "Treatment facilities", any method, process, or equipment  
88 which removes, reduces, or renders less obnoxious water contaminants released  
89 from any source;

90           [(23)] **(24)** "Water contaminant", any particulate matter or solid matter  
91 or liquid or any gas or vapor or any combination thereof, or any temperature  
92 change which is in or enters any waters of the state either directly or indirectly  
93 by surface runoff, by sewer, by subsurface seepage or otherwise, which causes or  
94 would cause pollution upon entering waters of the state, or which violates or  
95 exceeds any of the standards, regulations or limitations set forth in sections  
96 644.006 to 644.141 or any federal water pollution control act, or is included in the  
97 definition of pollutant in such federal act;

98           [(24)] **(25)** "Water contaminant source", the point or points of discharge  
99 from a single tract of property on which is located any installation, operation or  
100 condition which includes any point source defined in sections 644.006 to 644.141  
101 and nonpoint source pursuant to any federal water pollution control act, which  
102 causes or permits a water contaminant therefrom to enter waters of the state  
103 either directly or indirectly;

104           [(25)] **(26)** "Water quality standards", specified concentrations and  
105 durations of water contaminants which reflect the relationship of the intensity  
106 and composition of water contaminants to potential undesirable effects;

107           [(26)] **(27)** "Waters of the state", all rivers, streams, lakes and other  
108 bodies of surface and subsurface water lying within or forming a part of the  
109 boundaries of the state which are not entirely confined and located completely  
110 upon lands owned, leased or otherwise controlled by a single person or by two or  
111 more persons jointly or as tenants in common and includes waters of the United

112 States lying within the state.

644.026. 1. The commission shall:

2 (1) Exercise general supervision of the administration and enforcement  
3 of sections 644.006 to 644.141 and all rules and regulations and orders  
4 promulgated thereunder;

5 (2) Develop comprehensive plans and programs for the prevention, control  
6 and abatement of new or existing pollution of the waters of the state;

7 (3) Advise, consult, and cooperate with other agencies of the state, the  
8 federal government, other states and interstate agencies, and with affected  
9 groups, political subdivisions and industries in furtherance of the purposes of  
10 sections 644.006 to 644.141;

11 (4) Accept gifts, contributions, donations, loans and grants from the  
12 federal government and from other sources, public or private, for carrying out any  
13 of its functions, which funds shall not be expended for other than the purposes  
14 for which provided;

15 (5) Encourage, participate in, or conduct studies, investigations, and  
16 research and demonstrations relating to water pollution and causes, prevention,  
17 control and abatement thereof as it may deem advisable and necessary for the  
18 discharge of its duties pursuant to sections 644.006 to 644.141;

19 (6) Collect and disseminate information relating to water pollution and  
20 the prevention, control and abatement thereof;

21 (7) After holding public hearings, identify waters of the state and  
22 prescribe water quality standards for them, giving due recognition to variations,  
23 if any, and the characteristics of different waters of the state which may be  
24 deemed by the commission to be relevant insofar as possible pursuant to any  
25 federal water pollution control act. These shall be reevaluated and modified as  
26 required by any federal water pollution control act;

27 (8) Adopt, amend, promulgate, or repeal after due notice and hearing,  
28 rules and regulations to enforce, implement, and effectuate the powers and duties  
29 of sections 644.006 to 644.141 and any required of this state by any federal water  
30 pollution control act, and as the commission may deem necessary to prevent,  
31 control and abate existing or potential pollution. **In addition to opportunities**  
32 **to submit written statements or provide testimony at public hearings**  
33 **in support of or in opposition to proposed rulemakings as required by**  
34 **section 536.021, any person who submits written comments or oral**  
35 **testimony on a proposed rule shall, at any public meeting to vote on an**

36 **order or rulemaking or other commission policy, have the opportunity**  
37 **to respond to the proposed order of rulemaking or department of**  
38 **natural resources' response to comments to the extent that such**  
39 **response is limited to issues raised in oral or written comments made**  
40 **during the public notice comment period or public hearing on the**  
41 **proposed rule;**

42 (9) Issue, modify or revoke orders prohibiting or abating discharges of  
43 water contaminants into the waters of the state or adopting other remedial  
44 measures to prevent, control or abate pollution;

45 (10) Administer state and federal grants and loans to municipalities and  
46 political subdivisions for the planning and construction of sewage treatment  
47 works;

48 (11) Hold such hearings, issue such notices of hearings and subpoenas  
49 requiring the attendance of such witnesses and the production of such evidence,  
50 administer such oaths, and take such testimony as the commission deems  
51 necessary or as required by any federal water pollution control act. Any of these  
52 powers may be exercised on behalf of the commission by any members thereof or  
53 a hearing officer designated by it;

54 (12) Require the prior submission of plans and specifications, or other  
55 data including the quantity and types of water contaminants, and inspect the  
56 construction of treatment facilities and sewer systems or any part thereof in  
57 connection with the issuance of such permits or approval as are required by  
58 sections 644.006 to 644.141, except that manholes and polyvinyl chloride (PVC)  
59 pipe used for gravity sewers and with a diameter no greater than twenty-seven  
60 inches shall not be required to be tested for leakage;

61 (13) Issue, continue in effect, revoke, modify or deny, under such  
62 conditions as it may prescribe, to prevent, control or abate pollution or any  
63 violations of sections 644.006 to 644.141 or any federal water pollution control  
64 act, permits for the discharge of water contaminants into the waters of this state,  
65 and for the installation, modification or operation of treatment facilities, sewer  
66 systems or any parts thereof. Such permit conditions, in addition to all other  
67 requirements of this subdivision, shall ensure compliance with all effluent  
68 regulations or limitations, water quality related effluent limitations, national  
69 standards of performance and toxic and pretreatment effluent standards, and all  
70 requirements and time schedules thereunder as established by sections 644.006  
71 to 644.141 and any federal water pollution control act; however, no permit shall

72 be required of any person for any emission into publicly owned treatment  
73 facilities or into publicly owned sewer systems tributary to publicly owned  
74 treatment works;

75 (14) Establish permits by rule. Such permits shall only be available for  
76 those facilities or classes of facilities that control potential water contaminants  
77 that pose a reduced threat to public health or the environment and that are in  
78 compliance with commission water quality standards rules, effluent rules or rules  
79 establishing permits by rule. Such permits by rule shall have the same legal  
80 standing as other permits issued pursuant to this chapter. Nothing in this  
81 section shall prohibit the commission from requiring a site-specific permit or a  
82 general permit for individual facilities;

83 (15) Require proper maintenance and operation of treatment facilities and  
84 sewer systems and proper disposal of residual waste from all such facilities and  
85 systems;

86 (16) Exercise all incidental powers necessary to carry out the purposes of  
87 sections 644.006 to 644.141, assure that the state of Missouri complies with any  
88 federal water pollution control act, retains maximum control thereunder and  
89 receives all desired federal grants, aid and benefits;

90 (17) Establish effluent and pretreatment and toxic material control  
91 regulations to further the purposes of sections 644.006 to 644.141 and as required  
92 to ensure compliance with all effluent limitations, water quality-related effluent  
93 limitations, national standards of performance and toxic and pretreatment  
94 effluent standards, and all requirements and any time schedules thereunder, as  
95 established by any federal water pollution control act for point sources in this  
96 state, and where necessary to prevent violation of water quality standards of this  
97 state;

98 (18) Prohibit all discharges of radiological, chemical, or biological warfare  
99 agent or high-level radioactive waste into waters of this state;

100 (19) Require that all publicly owned treatment works or facilities which  
101 receive or have received grants or loans from the state or the federal government  
102 for construction or improvement make all charges required by sections 644.006  
103 to 644.141 or any federal water pollution control act for use and recovery of  
104 capital costs, and the operating authority for such works or facility is hereby  
105 authorized to make any such charges;

106 (20) Represent the state of Missouri in all matters pertaining to interstate  
107 water pollution including the negotiation of interstate compacts or agreements;

108           (21) Develop such facts and make such investigations as are consistent  
109 with the purposes of sections 644.006 to 644.141, and, in connection therewith,  
110 to enter or authorize any representative of the commission to enter at all  
111 reasonable times and upon reasonable notice in or upon any private or public  
112 property for any purpose required by any federal water pollution control act or  
113 sections 644.006 to 644.141 for the purpose of developing rules, regulations,  
114 limitations, standards, or permit conditions, or inspecting or investigating any  
115 records required to be kept by sections 644.006 to 644.141 or any permit issued  
116 pursuant to sections 644.006 to 644.141, any condition which the commission or  
117 director has probable cause to believe to be a water contaminant source or the  
118 site of any suspected violation of sections 644.006 to 644.141, regulations,  
119 standards, or limitations, or permits issued pursuant to sections 644.006 to  
120 644.141. The results of any such investigation shall be reduced to writing, and  
121 shall be furnished to the owner or operator of the property. No person shall  
122 refuse entry or access, requested for the purposes of inspection pursuant to this  
123 subdivision, to an authorized representative in carrying out the inspection. A  
124 suitably restricted search warrant, upon a showing of probable cause in writing  
125 and upon oath, shall be issued by any judge or associate circuit judge having  
126 jurisdiction to any representative for the purpose of enabling him or her to make  
127 such inspection. Information obtained pursuant to this section shall be available  
128 to the public unless it constitutes trade secrets or confidential information, other  
129 than effluent data, of the person from whom it is obtained, except when disclosure  
130 is required pursuant to any federal water pollution control act;

131           (22) Retain, employ, provide for, and compensate, within appropriations  
132 available therefor, such consultants, assistants, deputies, clerks and other  
133 employees on a full- or part-time basis as may be necessary to carry out the  
134 provisions of sections 644.006 to 644.141 and prescribe the times at which they  
135 shall be appointed and their powers and duties;

136           (23) Secure necessary scientific, technical, administrative and operation  
137 services, including laboratory facilities, by contract or otherwise, with any  
138 educational institution, experiment station, or any board, department, or other  
139 agency of any political subdivision of the state or the federal government;

140           (24) Require persons owning or engaged in operations which do or could  
141 discharge water contaminants, or introduce water contaminants or pollutants of  
142 a quality and quantity to be established by the commission, into any publicly  
143 owned treatment works or facility, to provide and maintain any facilities and

144 conduct any tests and monitoring necessary to establish and maintain records  
145 and to file reports containing information relating to measures to prevent, lessen  
146 or render any discharge less harmful or relating to rate, period, composition,  
147 temperature, and quality and quantity of the effluent, and any other information  
148 required by any federal water pollution control act or the director, and to make  
149 them public, except as provided in subdivision (21) of this section. The  
150 commission shall develop and adopt such procedures for inspection, investigation,  
151 testing, sampling, monitoring and entry respecting water contaminant and point  
152 sources as may be required for approval of such a program pursuant to any  
153 federal water pollution control act;

154 (25) Take any action necessary to implement continuing planning  
155 processes and areawide waste treatment management as established pursuant to  
156 any federal water pollution control act or sections 644.006 to 644.141.

157 2. No rule or portion of a rule promulgated pursuant to this chapter shall  
158 become effective unless it has been promulgated pursuant to chapter 536.

644.051. 1. It is unlawful for any person:

2 (1) To cause pollution of any waters of the state or to place or cause or  
3 permit to be placed any water contaminant in a location where it is reasonably  
4 certain to cause pollution of any waters of the state;

5 (2) To discharge any water contaminants into any waters of the state  
6 which reduce the quality of such waters below the water quality standards  
7 established by the commission;

8 (3) To violate any pretreatment and toxic material control regulations, or  
9 to discharge any water contaminants into any waters of the state which exceed  
10 effluent regulations or permit provisions as established by the commission or  
11 required by any federal water pollution control act;

12 (4) To discharge any radiological, chemical, or biological warfare agent or  
13 high-level radioactive waste into the waters of the state.

14 2. It shall be unlawful for any person to build, erect, alter, replace,  
15 operate, use or maintain any water contaminant or point source in this state that  
16 is subject to standards, rules or regulations promulgated pursuant to the  
17 provisions of sections 644.006 to 644.141 unless such person holds a permit from  
18 the commission, subject to such exceptions as the commission may prescribe by  
19 rule or regulation. However, no permit shall be required of any person for any  
20 emission into publicly owned treatment facilities or into publicly owned sewer  
21 systems tributary to publicly owned treatment works.



22           3. Every proposed water contaminant or point source which, when  
23 constructed or installed or established, will be subject to any federal water  
24 pollution control act or sections 644.006 to 644.141 or regulations promulgated  
25 pursuant to the provisions of such act shall make application to the director for  
26 a permit at least thirty days prior to the initiation of construction or installation  
27 or establishment. Every water contaminant or point source in existence when  
28 regulations or sections 644.006 to 644.141 become effective shall make application  
29 to the director for a permit within sixty days after the regulations or sections  
30 644.006 to 644.141 become effective, whichever shall be earlier. The director  
31 shall promptly investigate each application, which investigation shall include  
32 such hearings and notice, and consideration of such comments and  
33 recommendations as required by sections 644.006 to 644.141 and any federal  
34 water pollution control act. If the director determines that the source meets or  
35 will meet the requirements of sections 644.006 to 644.141 and the regulations  
36 promulgated pursuant thereto, the director shall issue a permit with such  
37 conditions as he or she deems necessary to ensure that the source will meet the  
38 requirements of sections 644.006 to 644.141 and any federal water pollution  
39 control act as it applies to sources in this state. If the director determines that  
40 the source does not meet or will not meet the requirements of either act and the  
41 regulations pursuant thereto, the director shall deny the permit pursuant to the  
42 applicable act and issue any notices required by sections 644.006 to 644.141 and  
43 any federal water pollution control act.

44           4. Before issuing a permit to build or enlarge a water contaminant or  
45 point source or reissuing any permit, the director shall issue such notices, conduct  
46 such hearings, and consider such factors, comments and recommendations as  
47 required by sections 644.006 to 644.141 or any federal water pollution control  
48 act. The director shall determine if any state or any provisions of any federal  
49 water pollution control act the state is required to enforce, any state or federal  
50 effluent limitations or regulations, water quality-related effluent limitations,  
51 national standards of performance, toxic and pretreatment standards, or water  
52 quality standards which apply to the source, or any such standards in the vicinity  
53 of the source, are being exceeded, and shall determine the impact on such water  
54 quality standards from the source. The director, in order to effectuate the  
55 purposes of sections 644.006 to 644.141, shall deny a permit if the source will  
56 violate any such acts, regulations, limitations or standards or will appreciably  
57 affect the water quality standards or the water quality standards are being

58 substantially exceeded, unless the permit is issued with such conditions as to  
59 make the source comply with such requirements within an acceptable time  
60 schedule. [Prior to the development or renewal of a general permit or permit by  
61 rule, for aquaculture, the director shall convene a meeting or meetings of permit  
62 holders and applicants to evaluate the impacts of permits and to discuss any  
63 terms and conditions that may be necessary to protect waters of the  
64 state. Following the discussions, the director shall finalize a draft permit that  
65 considers the comments of the meeting participants and post the draft permit on  
66 notice for public comment. The director shall concurrently post with the draft  
67 permit an explanation of the draft permit and shall identify types of facilities  
68 which are subject to the permit conditions. Affected public or applicants for new  
69 general permits, renewed general permits or permits by rule may request a  
70 hearing with respect to the new requirements in accordance with this section. If  
71 a request for a hearing is received, the commission shall hold a hearing to receive  
72 comments on issues of significant technical merit and concerns related to the  
73 responsibilities of the Missouri clean water law. The commission shall conduct  
74 such hearings in accordance with this section. After consideration of such  
75 comments, a final action on the permit shall be rendered. The time between the  
76 date of the hearing request and the hearing itself shall not be counted as time  
77 elapsed pursuant to subdivision (1) of subsection 14 of this section.]

78         5. The director shall grant or deny the permit within sixty days after all  
79 requirements of the Federal Water Pollution Control Act concerning issuance of  
80 permits have been satisfied unless the application does not require any permit  
81 pursuant to any federal water pollution control act. The director or the  
82 commission may require the applicant to provide and maintain such facilities or  
83 to conduct such tests and monitor effluents as necessary to determine the nature,  
84 extent, quantity or degree of water contaminant discharged or released from the  
85 source, establish and maintain records and make reports regarding such  
86 determination.

87         6. The director shall promptly notify the applicant in writing of his or her  
88 action and if the permit is denied state the reasons therefor. The applicant may  
89 appeal to the commission from the denial of a permit or from any condition in any  
90 permit by filing notice of appeal with the commission within thirty days of the  
91 notice of denial or issuance of the permit. After a final action is taken on a new  
92 or reissued general permit [template], a potential applicant for the general  
93 permit who can demonstrate that he or she is or may be adversely affected by any

94 permit term or condition may appeal the terms and conditions of the general  
95 permit [template] within thirty days of the department's issuance of the general  
96 permit [template. The commission shall set the matter for hearing not less than  
97 thirty days after the notice of appeal is filed]. In no event shall a permit  
98 constitute permission to violate the law or any standard, rule or regulation  
99 promulgated pursuant thereto.

100 7. In any hearing held pursuant to this section that involves a permit,  
101 license, or registration, the burden of proof is on the party specified in section  
102 640.012. Any decision of the commission made pursuant to a hearing held  
103 pursuant to this section is subject to judicial review as provided in section  
104 644.071.

105 8. In any event, no permit issued pursuant to this section shall be issued  
106 if properly objected to by the federal government or any agency authorized to  
107 object pursuant to any federal water pollution control act unless the application  
108 does not require any permit pursuant to any federal water pollution control act.

109 9. Permits may be modified, reissued, or terminated at the request of the  
110 permittee. All requests shall be in writing and shall contain facts or reasons  
111 supporting the request.

112 10. [Unless a site-specific permit is requested by the applicant,  
113 aquaculture facilities shall be governed by a general permit issued pursuant to  
114 this section with a fee not to exceed two hundred fifty dollars pursuant to  
115 subdivision (5) of subsection 6 of section 644.052. However, any aquaculture  
116 facility which materially violates the conditions and requirements of such permit  
117 may be required to obtain a site-specific permit.

118 11.] No manufacturing or processing plant or operating location shall be  
119 required to pay more than one operating fee. Operating permits shall be issued  
120 for a period not to exceed five years after date of issuance, except that general  
121 permits shall be issued for a five-year period, and also except that neither a  
122 construction nor an annual permit shall be required for a single residence's waste  
123 treatment facilities. Applications for renewal of [an] a **site-specific** operating  
124 permit shall be filed at least one hundred eighty days prior to the expiration of  
125 the existing permit. **Applications seeking to renew coverage under a**  
126 **general permit shall be submitted at least thirty days prior to the**  
127 **expiration of the general permit, unless the permittee has been notified**  
128 **by the director that an earlier application must be made. General**  
129 **permits may be applied for and issued electronically once made**

130   **available by the director.**

131           [12.] 11. Every permit issued to municipal or any publicly owned  
132 treatment works or facility shall require the permittee to provide the clean water  
133 commission with adequate notice of any substantial new introductions of water  
134 contaminants or pollutants into such works or facility from any source for which  
135 such notice is required by sections 644.006 to 644.141 or any federal water  
136 pollution control act. Such permit shall also require the permittee to notify the  
137 clean water commission of any substantial change in volume or character of water  
138 contaminants or pollutants being introduced into its treatment works or facility  
139 by a source which was introducing water contaminants or pollutants into its  
140 works at the time of issuance of the permit. Notice must describe the quality and  
141 quantity of effluent being introduced or to be introduced into such works or  
142 facility by a source which was introducing water contaminants or pollutants into  
143 its works at the time of issuance of the permit. Notice must describe the quality  
144 and quantity of effluent being introduced or to be introduced into such works or  
145 facility and the anticipated impact of such introduction on the quality or quantity  
146 of effluent to be released from such works or facility into waters of the state.

147           [13.] 12. The director or the commission may require the filing or posting  
148 of a bond as a condition for the issuance of permits for construction of temporary  
149 or future water treatment facilities or facilities that utilize innovative technology  
150 for wastewater treatment in an amount determined by the commission to be  
151 sufficient to ensure compliance with all provisions of sections 644.006 to 644.141,  
152 and any rules or regulations of the commission and any condition as to such  
153 construction in the permit. For the purposes of this section, "innovative  
154 technology for wastewater treatment" shall mean a completely new and generally  
155 unproven technology in the type or method of its application that bench testing  
156 or theory suggest has environmental, efficiency, and cost benefits beyond the  
157 standard technologies. No bond shall be required for designs approved by any  
158 federal agency or environmental regulatory agency of another state. The bond  
159 shall be signed by the applicant as principal, and by a corporate surety licensed  
160 to do business in the state of Missouri and approved by the commission. The  
161 bond shall remain in effect until the terms and conditions of the permit are met  
162 and the provisions of sections 644.006 to 644.141 and rules and regulations  
163 promulgated pursuant thereto are complied with.

164           [14.] 13. (1) The department shall issue or deny applications for  
165 construction and site-specific operating permits received after January 1, 2001,

166 within one hundred eighty days of the department's receipt of an application. For  
167 general construction and operating permit applications received after January 1,  
168 2001, that do not require a public participation process, the department shall  
169 issue or deny the [requested] permits within sixty days of the department's  
170 receipt of an application. **For an application seeking coverage under a**  
171 **renewed general permit that does not require an individual public**  
172 **participation process, the director shall issue or deny the permit within**  
173 **sixty days of the director's receipt of the application, or upon issuance**  
174 **of the general permit, whichever is later. In regard to an application**  
175 **seeking coverage under an initial general permit that does not require**  
176 **an individual public participation process, the director shall issue or**  
177 **deny the permit within sixty days of the department's receipt of the**  
178 **application. For an application seeking coverage under a renewed**  
179 **general permit that requires an individual public participation process,**  
180 **the director shall issue or deny the permit within ninety days of the**  
181 **director's receipt of the application, or upon issuance of the general**  
182 **permit, whichever is later. In regard to an application for an initial**  
183 **general permit that requires an individual public participation process,**  
184 **the director shall issue or deny the permit within ninety days of the**  
185 **director's receipt of the application.**

186 (2) If the department fails to issue or deny with good cause a construction  
187 or operating permit application within the time frames established in subdivision  
188 (1) of this subsection, the department shall refund the full amount of the initial  
189 application fee within forty-five days of failure to meet the established time  
190 frame. If the department fails to refund the application fee within forty-five days,  
191 the refund amount shall accrue interest at a rate established pursuant to section  
192 32.065.

193 (3) Permit fee disputes may be appealed to the commission within thirty  
194 days of the date established in subdivision (2) of this subsection. If the applicant  
195 prevails in a permit fee dispute appealed to the commission, the commission may  
196 order the director to refund the applicant's permit fee plus interest and  
197 reasonable attorney's fees as provided in sections 536.085 and 536.087. A refund  
198 of the initial application or annual fee does not waive the applicant's  
199 responsibility to pay any annual fees due each year following issuance of a  
200 permit.

201 (4) No later than December 31, 2001, the commission shall promulgate

202 regulations defining shorter review time periods than the time frames established  
203 in subdivision (1) of this subsection, when appropriate, for different classes of  
204 construction and operating permits. In no case shall commission regulations  
205 adopt permit review times that exceed the time frames established in subdivision  
206 (1) of this subsection. The department's failure to comply with the commission's  
207 permit review time periods shall result in a refund of said permit fees as set forth  
208 in subdivision (2) of this subsection. On a semiannual basis, the department  
209 shall submit to the commission a report which describes the different classes of  
210 permits and reports on the number of days it took the department to issue each  
211 permit from the date of receipt of the application and show averages for each  
212 different class of permits.

213 (5) During the department's technical review of the application, the  
214 department may request the applicant submit supplemental or additional  
215 information necessary for adequate permit review. The department's technical  
216 review letter shall contain a sufficient description of the type of additional  
217 information needed to comply with the application requirements.

218 (6) Nothing in this subsection shall be interpreted to mean that inaction  
219 on a permit application shall be grounds to violate any provisions of sections  
220 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to  
221 644.141.

222 [15.] 14. The department shall respond to all requests for individual  
223 certification under Section 401 of the Federal Clean Water Act within the lesser  
224 of sixty days or the allowed response period established pursuant to applicable  
225 federal regulations without request for an extension period unless such extension  
226 is determined by the commission to be necessary to evaluate significant impacts  
227 on water quality standards and the commission establishes a timetable for  
228 completion of such evaluation in a period of no more than one hundred eighty  
229 days.

230 [16.] 15. All permit fees generated pursuant to this chapter shall not be  
231 used for the development or expansion of total maximum daily loads studies on  
232 either the Missouri or Mississippi rivers.

233 [17.] 16. The department shall implement permit shield provisions  
234 equivalent to the permit shield provisions implemented by the U.S.  
235 Environmental Protection Agency pursuant to the Clean Water Act Section  
236 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued  
237 pursuant to chapter 644.

238           17. Prior to the development of a new general permit or  
239 reissuance of a general permit for aquaculture, land disturbance  
240 requiring a stormwater permit, or reissuance of a general permit under  
241 which fifty or more permits were issued under a general permit during  
242 the immediately preceding five-year period for a designated category  
243 of water contaminant sources, the director shall implement a public  
244 participation process complying with the following minimum  
245 requirements:

246           (1) For a new general permit or reissuance of a general permit,  
247 a general permit template shall be developed for which comments shall  
248 be sought from permittees and other interested persons prior to  
249 issuance of the general permit;

250           (2) The director shall publish notice of his intent to issue a new  
251 general permit or reissue a general permit by posting notice on the  
252 department's website at least one-hundred eighty days before the  
253 proposed effective date of the general permit;

254           (3) The director shall hold a public informational meeting to  
255 provide information on anticipated permit conditions and requirements  
256 and to receive informal comments from permittees and other interested  
257 persons. The director shall include notice of the public informational  
258 meeting with the notice of intent to issue a new general permit or  
259 reissue a general permit under subdivision (2) of this subsection. The  
260 notice of the public informational meeting, including the date, time and  
261 location, shall be posted on the department's website at least thirty  
262 days in advance of the public meeting. If the meeting is being held for  
263 reissuance of a general permit, notice shall also be made by electronic  
264 mail to all permittees holding the current general permit which is  
265 expiring. Notice to current permittees shall be made at least twenty  
266 days prior to the public meeting;

267           (4) The director shall hold a thirty-day public comment period  
268 to receive comments on the general permit template with the thirty-day  
269 comment period expiring at least sixty days prior to the effective date  
270 of the general permit. Scanned copies of the comments received during  
271 the public comment period shall be posted on the department's website  
272 within five business days after close of the public comment period;

273           (5) A revised draft of a general permit template and the  
274 director's response to comments submitted during the public comment

275 **period shall be posted on the department's website at least forty-five**  
276 **days prior to issuance of the general permit. At least forty-five days**  
277 **prior to issuance of the general permit the department shall notify all**  
278 **persons who submitted comments to the department that these**  
279 **documents have been posted to the department's website;**

280 **(6) Upon issuance of a new or renewed general permit, the**  
281 **general permit shall be posted to the department's website.**

282 **18. Notices required to be made by the department pursuant to**  
283 **subsection 17 of this section may be made by electronic mail. The**  
284 **department shall not be required to make notice to any permittee or**  
285 **other person who has not provided a current electronic mail address**  
286 **to the department. In the event the department chooses to make**  
287 **material modifications to the general permit before its expiration, the**  
288 **department shall follow the public participation process described in**  
289 **subsection 17 of this section.**

290 **19. The provisions of subsection 17 of this section shall become**  
291 **effective beginning January 1, 2013.**

644.145. 1. When issuing permits under this chapter **that incorporate**  
2 **a new requirement** for discharges from **publicly owned** combined or separate  
3 sanitary **or storm** sewer systems or [publicly owned] treatment works, or when  
4 enforcing provisions of this chapter or the Federal Water Pollution Control Act,  
5 33 U.S.C. 1251 et seq., pertaining to any portion of a **publicly owned** combined  
6 or separate sanitary **or storm** sewer system or [publicly owned] treatment works,  
7 the department of natural resources shall make a finding of affordability upon  
8 which to base such permits and decisions, to the extent allowable under this  
9 chapter and the Federal Water Pollution Control Act.

10 **2. The department of natural resources shall not be required**  
11 **under this section to make a finding of affordability when:**

12 **(1) Issuing collection system extension permits;**

13 **(2) Issuing National Pollution Discharge Elimination System**  
14 **operating permit renewals which include no new environmental**  
15 **requirements; or**

16 **(3) The permit applicant certifies that the applicable**  
17 **requirements are affordable to implement, or otherwise waives the**  
18 **requirement for an affordability finding.**

19 **3. When used in this chapter and in standards, rules and regulations**  
20 **promulgated pursuant to this chapter, the following words and phrases mean:**



21 (1) "Affordability", with respect to payment of a utility bill, a measure of  
22 whether an individual customer or household can pay the bill without undue  
23 hardship or unreasonable sacrifice in the essential lifestyle or spending patterns  
24 of the individual or household, taking into consideration the criteria described in  
25 subsection [3] 4 of this section;

26 (2) "Financial capability", the financial capability of a community to make  
27 investments necessary to make water quality-related improvements.

28 [3.] 4. The department of natural resources shall adopt procedures by  
29 which it will [determine whether a] **make affordability findings that**  
30 **evaluate the affordability of permit [or decision is affordable] requirements**  
31 **and enforcement actions described in subsection 1 of this section, and**  
32 **may begin implementing such procedures prior to promulgating**  
33 **implementing regulations. The commission shall have the authority to**  
34 **promulgate rules to implement this section pursuant to chapters 536**  
35 **and 644, and shall promulgate such rules as soon as practicable. [Such**  
36 **determination] Affordability findings** shall be based upon reasonably  
37 [available empirical] **verifiable** data and shall include an assessment of [the]  
38 affordability [of the permit or decision to any private or public person] **with**  
39 **respect to persons or [entity] entities** affected [by such permit]. **The**  
40 **department shall offer the permittee an opportunity to review a draft**  
41 **affordability finding, and the permittee may suggest changes and**  
42 **provide additional supporting information, subject to subsection 6 of**  
43 **this section.** The [determination] **finding** shall be based upon the following  
44 criteria:

45 (1) A community's financial capability and ability to raise or secure  
46 necessary funding;

47 (2) Affordability of pollution control options for the individuals or  
48 households of the community;

49 (3) An evaluation of the overall costs and environmental benefits of the  
50 control technologies;

51 (4) An inclusion of ways to reduce economic impacts on distressed  
52 populations in the community, including but not limited to low- and fixed-income  
53 populations. This requirement includes but is not limited to:

54 (a) Allowing adequate time in implementation schedules to mitigate  
55 potential adverse impacts on distressed populations resulting from the costs of  
56 the improvements and taking into consideration local community economic

57 considerations; and

58 (b) Allowing for reasonable accommodations for regulated entities when  
59 inflexible standards and fines would impose a disproportionate financial hardship  
60 in light of the environmental benefits to be gained;

61 (5) An assessment of other community investments relating to  
62 environmental improvements;

63 (6) An assessment of factors set forth in the United States Environmental  
64 Protection Agency's guidance, including but not limited to the "Combined Sewer  
65 Overflow Guidance for Financial Capability Assessment and Schedule  
66 Development" that may ease the cost burdens of implementing wet weather  
67 control plans, including but not limited to small system considerations, the  
68 attainability of water quality standards, and the development of wet weather  
69 standards; and

70 (7) An assessment of any other relevant local community economic  
71 condition.

72 [4.] 5. Prescriptive formulas and measures used in determining financial  
73 capability, affordability, and thresholds for expenditure, such as median  
74 household income, should not be considered to be the only indicator of a  
75 community's ability to implement control technology and shall be viewed in the  
76 context of other economic conditions rather than as a threshold to be achieved.

77 [5.] 6. Reasonable time spent preparing draft affordability  
78 findings, allowing permittees to review draft affordability findings or  
79 draft permits, or revising draft affordability findings, shall be allowed  
80 in addition to the department's deadlines for making permitting  
81 decisions pursuant to section 644.051.

82 7. If the department of natural resources fails to make a finding of  
83 affordability [as indicated in] **where required by** this section, **then** the  
84 [proposed] **resulting** permit or decision shall be null, void and unenforceable.

85 [6.] 8. The department of natural resources' findings under this section  
86 may be appealed to the commission pursuant to subsection 6 of section 644.051.

650.230. 1. Sections 650.200 to 650.290 shall not apply to the following  
2 boilers and pressure vessels:

3 (1) Boilers and pressure vessels under federal control or subject to  
4 inspection or regulation by a federal or state agency;

5 (2) Pressure vessels used for the transportation and storage of compressed  
6 gases or liquefied petroleum gases which comply with the standards promulgated

7 by the National Fire Protection Association as adopted pursuant to chapter 323  
8 or the United States Department of Transportation regulations, as appropriate  
9 to the use of the vessel;

10 (3) Pressure vessels located on vehicles operating under the rule of other  
11 state authorities and used for carrying passengers or freight;

12 (4) Pressure vessels installed on the right-of-way of railroads and used  
13 directly in the operation of trains;

14 (5) Pressure vessels that do not exceed:

15 (a) Fifteen cubic feet in volume and two hundred fifty psig when not  
16 located in a place of public assembly;

17 (b) ~~[Five]~~ **Ten** cubic feet in volume and two hundred fifty psig when  
18 located in a place of public assembly; or

19 (c) One and one-half cubic feet in volume or an inside diameter of six  
20 inches with no limitation on pressure;

21 (6) Pressure vessels designed for and operating at a working pressure not  
22 exceeding fifteen psig;

23 (7) Vessels with a nominal water containing capacity of one hundred  
24 twenty gallons or less for containing water under pressure, including those  
25 containing air, the compression of which serves only as a cushion;

26 (8) Boilers and pressure vessels located on farms and used solely for  
27 agricultural purposes;

28 (9) Any boiler constructed, reconstructed or maintained as a personal  
29 hobby or for other recreation purposes; and

30 (10) Vessels containing water and operating as water softeners, water  
31 filters, dealkalizers, demineralizers and cold water storage tanks when:

32 (a) The temperature of the water in the vessel does not exceed one  
33 hundred twenty degrees Fahrenheit; and

34 (b) Heat is not applied to the water prior to entering the vessel or to the  
35 vessel itself; and

36 (c) The pressure of the water in the vessel does not exceed one hundred  
37 fifty psig; and

38 (d) The vessel does not contain any hazardous, toxic or explosive material.

39 2. The following boilers and pressure vessels shall be exempt from the  
40 requirements of sections 650.260 to 650.275:

41 (1) Boilers or pressure vessels located in canneries and used solely for  
42 canning purposes;

43           (2) Steam boilers used for heating purposes carrying a pressure of not  
44 more than fifteen psig, and which are located in private residences or in  
45 apartment houses of less than six families and steam boilers used for heating  
46 purposes carrying a pressure of not more than ten psig and having a rating of not  
47 to exceed one thousand two hundred square feet of radiation;

48           (3) Hot water heating boilers carrying pressure of not more than thirty  
49 psig, and which are located in private residences or in apartment houses of less  
50 than six families, and hot water heating boilers carrying pressure of not more  
51 than twenty psig, and having a rating of not to exceed two thousand square feet  
52 of radiation;

53           (4) Steam boilers of a miniature model locomotive or boat or tractor or  
54 stationary engine constructed and maintained as a hobby and not for commercial  
55 use, having an inside diameter not to exceed twelve inches and a grate area not  
56 to exceed one and one-half feet and that is equipped with a safety valve of  
57 adequate capacity, a water level indicator and a pressure gauge;

58           (5) Hot water supply boilers operated at pressures not exceeding one  
59 hundred sixty psig, or temperatures not exceeding two hundred fifty degrees  
60 Fahrenheit which are located in private residences or in apartment houses of less  
61 than six family units;

62           (6) Service water heaters or domestic type water heaters having a nominal  
63 water containing capacity not in excess of one hundred twenty gallons, a heat  
64 input not in excess of two hundred thousand British thermal units per hour and  
65 used exclusively for heating service water to a temperature not in excess of two  
66 hundred ten degrees Fahrenheit;

67           (7) Pressure vessels containing only water under pressure for domestic  
68 supply purposes, including those containing air, the compression of which serves  
69 only as a cushion or airlift pumping system, when located in private residences  
70 or in apartment houses of less than six family units.

                  [260.255. 1. After January 1, 1994, each newspaper  
2           publisher in this state with an average daily distribution on days  
3           published of more than fifteen thousand copies shall file a  
4           statement with the department of natural resources certifying the  
5           total number of tons of newsprint used during the past calendar  
6           year, and the average recycled content of such newsprint. The  
7           statement shall declare whether the following target percentages  
8           have been met for the past year, and if not met, shall contain a

9 statement explaining why the newspaper publisher failed to meet  
10 the target percentages.

11 2. The target recycled content usage for each newspaper  
12 publisher for each year shall be:

- 13 (1) 1993, ten percent;
- 14 (2) 1994, twenty percent;
- 15 (3) 1995, thirty percent;
- 16 (4) 1996, forty percent;
- 17 (5) 2000, and subsequent years, fifty percent.

18 3. Any newspaper publisher who fails to file a statement  
19 with or seek a waiver from the department, or who files a  
20 statement containing misleading or deceptive information, shall be  
21 a violation of this section, punishable by a civil fine of not more  
22 than one hundred dollars per day for each day the violation  
23 continues. Penalties imposed under this section shall be deposited  
24 into the solid waste management fund and shall be used to further  
25 the purposes of sections 260.200 to 260.345.]

Section B. Because of the immediate need to protect tourism in this state,  
2 the repeal and reenactment of section 577.073 of this act is deemed necessary for  
3 the immediate preservation of the public health, welfare, peace and safety, and  
4 is hereby declared to be an emergency act within the meaning of the constitution,  
5 and the repeal and reenactment of section 577.073 of this act shall be in full force  
6 and effect upon its passage and approval.

✓  
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